

2001 – 2002 LEGISLATURE
January 2002 Special Session

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ALL:all:all

SENATE AMENDMENT 2,
TO SENATE SUBSTITUTE AMENDMENT 1,
TO ASSEMBLY BILL 1

April 5, 2002 – Offered by Senators CHVALA, RISSER, MOEN and BURKE.

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 1, line 4: delete that line and substitute:

3 “**SECTION 1g.** 5.02 (13) of the statutes is amended to read:

4 5.02 **(13)** “Political party” or “party” means a state committee registered under
5 s. 11.05 and organized exclusively for political purposes under whose name
6 candidates appear on a ballot at any election, and all county, congressional,
7 legislative, local and other affiliated committees authorized to operate under the
8 same name. For purposes of ch. 11, the term does not include ~~a legislative campaign~~
9 ~~committee~~ or a committee filing an oath under s. 11.06 (7).

10 **SECTION 1r.** 6.18 of the statutes is amended to read:”.

11 **2.** Page 1, line 4: delete that line and substitute:

12 “**SECTION 1g.** 5.86 of the statutes is amended to read:

1 **5.86 Proceedings at central counting ~~location~~ locations.** (1) All
2 proceedings at the each central counting location shall be under the direction of the
3 municipal clerk or an election official designated by the clerk unless the central
4 counting location is at the county seat and the municipal clerk delegates the
5 responsibility to supervise the location to the county clerk, in which case the
6 proceedings shall be under the direction of the county clerk or an election official
7 designated by the county clerk. Unless election officials are selected under s. 7.30
8 (4) (c) without regard to party affiliation, the employees at the each central counting
9 location, other than any specially trained technicians who are required for the
10 operation of the automatic tabulating equipment, shall be equally divided between
11 members of the 2 major political parties under s. 7.30 (2) (a) and all duties performed
12 by the employees shall be by teams consisting of an equal number of members of each
13 political party whenever sufficient persons from each party are available.

14 (2) At the each central counting location, a team of election officials designated
15 by the clerk or other election official having charge of the location under sub. (1) shall
16 check the container returned containing the ballots to determine that all seals are
17 intact, and thereupon shall open the container, check the inspectors' slip and
18 compare the number of ballots so delivered against the total number of electors of
19 each ward served by the polling place who voted, remove the ballots or record of the
20 votes cast and deliver them to the technicians operating the automatic tabulating
21 equipment. Any discrepancies between the number of ballots and total number of
22 electors shall be noted on a sheet furnished for that purpose and signed by the
23 election officials.

24 **SECTION 1m.** 6.18 of the statutes is amended to read:".

1 **3.** Page 1, line 4: delete that line and substitute:

2 “**SECTION 1dc.** 5.02 (21) of the statutes is amended to read:

3 5.02 **(21)** “Spring election” means the election held on the first Tuesday in April
4 to elect judicial, educational, and municipal officers, nonpartisan county officers,
5 and sewerage commissioners and to express preferences for the person to be the
6 presidential candidate for each party.

7 **SECTION 1de.** 5.02 (22) of the statutes is amended to read:

8 5.02 **(22)** “Spring primary” means the ~~nonpartisan~~ primary held on the 3rd
9 Tuesday in February to nominate nonpartisan candidates to be voted for at the
10 spring election and to express preferences for the person to be the presidential
11 candidate for each party in a year in which electors for president and vice president
12 are to be elected.

13 **SECTION 1dg.** 5.58 (intro.) of the statutes is amended to read:

14 **5.58 Spring primary ballots.** (intro.) At spring primary elections the
15 following ballots, when necessary, shall be provided for each ward, except as
16 authorized in s. 5.655. Only Except as provided in sub. (2r), only nonpartisan
17 candidates nominated for office by nomination papers shall have their names placed
18 on the official spring primary ballot under the proper office designation, but the
19 ballots shall allow room for write-in candidates.

20 **SECTION 1dgi.** 5.60 (8) of the statutes is renumbered 5.58 (2r).

21 **SECTION 1dh.** 5.68 (2) of the statutes is amended to read:

22 5.68 **(2)** Except as provided in sub. (7) or as otherwise expressly provided, all
23 costs for ballots, supplies, notices, and any other materials necessary in preparing
24 or conducting any election shall be paid for by the county or municipality whose clerk

1 or board of election commissioners is responsible for providing them. If a ballot is
2 prepared for a school, technical college, sewerage, or sanitary district, the district
3 shall pay for the cost of the ballot. If no other level of government is involved in a
4 school, technical college, sewerage, or sanitary district election, the district shall pay
5 for all costs of the ballots, supplies, notices, and other materials. If ballots, supplies,
6 notices, or other materials are used for elections within more than one unit of local
7 government, the costs shall be proportionately divided between the units of local
8 government involved in the election. In a 1st class city, all costs otherwise
9 attributable to a school district shall be paid by the city.

10 **SECTION 1dj.** 5.68 (4) of the statutes is amended to read:

11 5.68 (4) The Except as provided in sub. (7), the cost of compensation of election
12 officials and trainees shall be borne in the manner provided in s. 7.03.

13 **SECTION 1dk.** 5.68 (5) of the statutes is amended to read:

14 5.68 (5) If Except as provided in sub. (7), if a charge is made for the use of a
15 polling place, the charge shall be paid by the municipality establishing the polling
16 place under s. 5.25 (2) unless the polling place is used to conduct a special election
17 that is called by a unit of government other than the state or the municipality
18 establishing the polling place and the special election is not held concurrently with
19 an election specified in s. 5.02 (5), (18), (21), or (22). In such case, the charge shall
20 be paid by the unit of government that calls the special election.

21 **SECTION 1dL.** 5.68 (7) of the statutes is created to read:

22 5.68 (7) Any municipality that incurs costs in any year to hold the presidential
23 preference primary in the municipality, or in any portion thereof, at one or more
24 polling places where no other election is held concurrently with the presidential
25 preference primary in that year may file a claim with the board for reimbursement

1 of those costs. The claim shall be accompanied by appropriate substantiation of any
2 costs incurred. The board shall audit the claim and, if the board finds that the costs
3 have been incurred by the municipality, and the costs would not have been incurred
4 but for the requirement to hold the presidential preference primary on the 3rd
5 Tuesday in February, the board shall reimburse the municipality for those costs. No
6 claim is payable under this subsection unless the claim is filed with the board,
7 together with appropriate substantiation, by April 30 following the presidential
8 preference primary.

9 **SECTION 1dn.** 6.18 of the statutes is amended to read:".

10 **4.** Page 3, line 12: after that line insert:

11 "SECTION 1ec. 7.08 (2) (c) and (cm) of the statutes are amended to read:

12 7.08 (2) (c) As soon as possible after the canvass of the spring and September
13 primary votes, but no later than the first Tuesday in March and the 4th Tuesday in
14 September, transmit to the state treasurer a certified list of all eligible candidates
15 for state office who have filed applications under s. 11.50 (2) and ~~whom~~ who the board
16 determines ~~to be~~ are eligible to receive payments from the Wisconsin election
17 campaign fund. The board shall also electronically transmit a similar list of
18 candidates who the board determines are eligible to receive a grant under s. 11.50
19 (9) (b), (ba), or (bb) within 24 hours after any candidate qualifies to receive such a
20 grant. Each list shall contain each candidate's name, the mailing address indicated
21 upon the candidate's registration form, the office for which the individual is a
22 candidate and the party or principle which he or she represents, if any.

23 (cm) As soon as possible after the canvass of a special primary, or the date that
24 the primary would be held, if required, transmit to the state treasurer a certified list

1 of all eligible candidates for state office who have filed applications under s. 11.50 (2)
2 and ~~whom~~ who the board determines ~~to be~~ are eligible to receive a grant from the
3 Wisconsin election campaign fund prior to the election. The board shall also transmit
4 a similar list of candidates, if any, who have filed applications under s. 11.50 (2) and
5 ~~whom~~ who the board determines ~~to be~~ are eligible to receive a grant under s. 11.50
6 (1) (a) 2. after the special election. The board shall electronically transmit a similar
7 list of candidates who the board determines are eligible to receive a grant under s.
8 11.50 (9) (b), (ba), or (bb) within 24 hours after any candidate qualifies to receive such
9 a grant. Each list shall contain each candidate's name, the mailing address indicated
10 upon the candidate's registration form, the office for which the individual is a
11 candidate and the party or principle which he or she represents, if any.

12 **SECTION 1ed.** 7.08 (2) (cs) of the statutes is created to read:

13 7.08 (2) (cs) In each even-numbered year, certify to the state treasurer for the
14 period beginning with the month following certification and ending with the month
15 in which the next certification is made by the board:

16 1. No later than July 1, the name of each political party that qualifies under
17 s. 11.50 (1) (am) 1. as an eligible political party as of the preceding June 1 and whose
18 state chairperson has filed a request to establish an account for the party under s.
19 11.50 (2s) (a).

20 2. No later than December 15, the name of each political party that qualifies
21 under s. 11.50 (1) (am) 2. as an eligible political party as of the date of the preceding
22 general election and whose state chairperson has filed a written request to establish
23 an account for the party under s. 11.50 (2s) (a).

24 **SECTION 1ee.** 8.10 (3) (intro.) of the statutes is amended to read:

1 8.10 (3) (intro.) The certification of a qualified elector under s. 8.15 (4) (a) shall
2 be appended to each nomination paper. The Except as otherwise required under s.
3 11.50 (4m) for a candidate who seeks a grant from the Wisconsin election campaign
4 fund, the number of required signatures on nomination papers filed under this
5 section is:

6 **SECTION 1ef.** 8.15 (6) (intro.) of the statutes is amended to read:

7 8.15 (6) (intro.) The Except as otherwise required under s. 11.50 (4m) for a
8 candidate who seeks a grant from the Wisconsin election campaign fund, the number
9 of required signatures on nomination papers shall be as follows:

10 **SECTION 1eg.** 8.20 (4) of the statutes is amended to read:

11 8.20 (4) The Except as otherwise required under s. 11.50 (4m) for a candidate
12 who seeks a grant from the Wisconsin election campaign fund, the number of
13 required signatures on nomination papers for independent candidates shall be the
14 same as the number specified in s. 8.15 (6). For independent presidential electors
15 intending to vote for the same candidates for president and vice president, the
16 number of required signatures shall be not less than 2,000 nor more than 4,000
17 electors.

18 **SECTION 1eh.** 8.30 (2) of the statutes is amended to read:

19 8.30 (2) If no registration statement has been filed by or on behalf of a candidate
20 for state or local office in accordance with s. 11.05 (2g) ~~or (2f)~~ by the applicable
21 deadline for filing nomination papers by ~~such~~ the candidate, or the deadline for filing
22 a declaration of candidacy for an office for which nomination papers are not filed, the
23 name of the candidate may not appear on the ballot. This subsection may not be
24 construed to exempt a candidate from applicable penalties if he or she files a
25 registration statement later than the time prescribed in ss. 11.01 (1) and 11.05 (2g).

1 **SECTION 1ej.** 8.35 (4) (a) 1. a. and b. of the statutes are amended to read:

2 8.35 (4) (a) 1. a. ~~Donated to the former candidate's local or state political party~~
3 if If the former candidate was a partisan candidate ~~or, donated to the former~~
4 candidate's local or state political party, donated to the a charitable organization of
5 the former candidate's choice ~~or the charitable organization chosen or transferred to~~
6 the board for deposit in the Wisconsin election campaign fund, as instructed by the
7 former candidate or, if the candidate left no instruction, by the former candidate's
8 next of kin ~~if the former candidate is deceased, or if no choice is made returned to the~~
9 donors ~~on a proportional basis; or~~

10 b. If the former candidate was a nonpartisan candidate, donated to the a
11 charitable organization ~~of the former candidate's choice or the charitable~~
12 ~~organization chosen or transferred to the board for deposit in the Wisconsin election~~
13 campaign fund, as instructed by the former candidate or, if the candidate left no
14 instruction, by the former candidate's next of kin ~~if the former candidate is deceased;~~
15 or

16 **SECTION 1ek.** 8.35 (4) (c) and (d) of the statutes are amended to read:

17 8.35 (4) (c) The transfer to the replacement candidate under par. (b) shall be
18 made and reported to the appropriate filing officer ~~in a special report submitted by~~
19 the former candidate's campaign treasurer. If the former candidate is deceased and
20 was serving as his or her own campaign treasurer, the former candidate's petitioner
21 or personal representative shall ~~file the report and make the transfer required by~~
22 ~~par. (b), if any and file the report.~~ The report shall be made in the manner provided
23 under s. 11.21 (16), if applicable, or otherwise at the appropriate interval under s.
24 11.20 (2) or (4) and shall include a complete statement of all contributions,
25 disbursements and incurred obligations pursuant to s. 11.06 (1) covering the period

1 from the day after the last date covered on the former candidate's most recent report
2 to the date of disposition.

3 (d) The newly appointed candidate shall file his or her report in the manner
4 provided under s. 11.21 (16), if applicable, or otherwise at the next appropriate
5 interval under s. 11.20 (2) or (4) after his or her appointment. The appointed
6 candidate shall include any transferred funds moneys in his or her first report.

7 **SECTION 1eL.** 11.001 (2m) of the statutes is created to read:

8 11.001 **(2m)** The legislature finds a compelling justification for minimal
9 disclosure of all communications made near the time of an election that include a
10 reference to a candidate at that election, an office to be filled at that election, or a
11 political party in order to permit increased funding for candidates who are affected
12 by those communications. This minimal disclosure burden is outweighed by the need
13 to establish an effective funding mechanism for affected candidates to effectively
14 respond to communications that may impact an election.

15 **SECTION 1em.** 11.01 (12s) of the statutes is repealed.

16 **SECTION 1en.** 11.01 (16) (a) 3. of the statutes is created to read:

17 11.01 **(16)** (a) 3. A communication that is made by means of one or more
18 communications media, other than a communication that is exempt from reporting
19 under s. 11.29, that is made during the period beginning on the 60th day preceding
20 an election and ending on the date of that election and that includes a reference to
21 a candidate whose name is certified under s. 7.08 (2) (a) or 8.50 (1) (d) to appear on
22 the ballot at that election, a reference to an office to be filled at that election, or a
23 reference to a political party.

24 **SECTION 1ep.** 11.05 (1) of the statutes is renumbered 11.05 (1) (a) and amended
25 to read:

1 11.05 (1) (a) Except as provided in s. 9.10 (2) (d), every committee, other than
2 a personal campaign committee, and every political group subject to registration
3 under s. 11.23 which that makes or accepts contributions, incurs obligations or
4 makes disbursements in a calendar year in an aggregate amount in excess of \$25
5 shall file a statement with the appropriate filing officer giving the information
6 required by sub. (3). In the case of any committee other than a personal campaign
7 committee, the statement shall be filed by the treasurer. A personal campaign
8 committee shall register under sub. (2g) ~~or (2r)~~.

9 **SECTION 1eq.** 11.05 (1) (b) of the statutes is created to read:

10 11.05 (1) (b) Every political group subject to registration under s. 11.23 which
11 makes or accepts contributions, incurs obligations, or makes disbursements in a
12 calendar year in an aggregate amount in excess of \$100 shall file a statement with
13 the appropriate filing officer giving the information required by sub. (3).

14 **SECTION 1er.** 11.05 (2) of the statutes is renumbered 11.05 (2) (a) and amended
15 to read:

16 11.05 (2) (a) Except as provided in s. 9.10 (2) (d), every individual, other than
17 a candidate or agent of a candidate, who accepts contributions, incurs obligations,
18 or makes disbursements with respect to one or more elections for state or local office
19 in a calendar year in an aggregate amount in excess of \$25 shall file a statement with
20 the appropriate filing officer giving the information required by sub. (3). An
21 individual who guarantees a loan on which an individual, committee or group subject
22 to a registration requirement defaults is not subject to registration under this
23 subsection solely as a result of such default.

24 **SECTION 1es.** 11.05 (2) (b) of the statutes is created to read:

1 11.05 (2) (b) Every individual who accepts contributions, incurs obligations, or
2 makes disbursements with respect to one or more referenda in a calendar year in an
3 aggregate amount in excess of \$100 shall file a statement with the appropriate filing
4 officer giving the information required by sub. (3).

5 **SECTION 1et.** 11.05 (2r) (title) of the statutes is renumbered 11.06 (2m) (title).

6 **SECTION 1eu.** 11.05 (2r) of the statutes is renumbered 11.06 (2m) (a) and
7 amended to read:

8 11.06 (2m) (a) Any person, committee or group, other than ~~a committee or~~ an
9 individual or committee required to file an oath under s. 11.06 (7), who or which does
10 not anticipate accepting contributions, making disbursements or incurring
11 obligations in an aggregate amount in excess of \$1,000 in a calendar year and does
12 not anticipate accepting any contribution or contributions from a single source, other
13 than contributions made by a candidate to his or her own campaign, exceeding \$100
14 in that year may indicate on its registration statement that the person, committee
15 or group will not accept contributions, incur obligations or make disbursements in
16 the aggregate in excess of \$1,000 in any calendar year and will not accept any
17 contribution or contributions from a single source, other than contributions made by
18 a candidate to his or her own campaign, exceeding \$100 in such any calendar year.

19 Any registrant making such an indication is not subject to any filing requirement if
20 the statement is true. The registrant need not file a termination report. A registrant
21 not making such an indication on a registration statement is subject to a filing
22 requirement. The indication may be revoked and the registrant is then subject to a
23 filing requirement as of the date of revocation, or the date that aggregate
24 contributions, disbursements or obligations for the calendar year exceed \$1,000, or
25 the date on which the registrant accepts any contribution or contributions exceeding

1 \$100 from a single source, other than contributions made by a candidate to his or her
2 own campaign, during that any calendar year, whichever is earlier. ~~If the revocation~~
3 ~~is not timely, the registrant violates s. 11.27 (1).~~

4 **SECTION 1ev.** 11.05 (3) (c) of the statutes is amended to read:

5 11.05 (3) (c) In the case of a committee, a statement as to whether the
6 committee is a personal campaign committee, a political party committee, ~~a~~
7 ~~legislative campaign committee~~, a support committee or a special interest
8 committee.

9 **SECTION 1ew.** 11.05 (3) (m) of the statutes is created to read:

10 11.05 (3) (m) In the case of a personal campaign committee, the name of the
11 candidate on whose behalf the committee was formed or intends to operate and the
12 office or offices that the candidate seeks.

13 **SECTION 1ex.** 11.05 (3) (o) of the statutes is repealed.

14 **SECTION 1ey.** 11.05 (3) (r) of the statutes is created to read:

15 11.05 (3) (r) In the case of a candidate or personal campaign committee of a
16 candidate, the telephone number or numbers and a facsimile transmission number
17 or electronic mail address, if any, at which the candidate may be contacted.

18 **SECTION 1fc.** 11.05 (5) of the statutes is amended to read:

19 11.05 (5) CHANGE OF INFORMATION. Any change in information previously
20 submitted in a statement of registration shall be reported by the registrant to the
21 appropriate filing officer within 10 days following the change. This period does not
22 apply in case of change of an indication made under ~~sub. (2r)~~ s. 11.06 (2m), which
23 shall be reported no later than the date that a registrant is subject to a filing
24 requirement under ~~sub. (2r)~~ s. 11.06 (2m). Any such change may be reported only by
25 the individual or by the officer who has succeeded to the position of an individual who

1 signed the original statement; but in the case of a personal campaign committee, a
2 candidate or campaign treasurer may report a change in the statement except as
3 provided in s. 11.10 (2), and in the case of any other committee or group, the chief
4 executive officer or treasurer indicated on the statement may report a change. If a
5 preexisting support committee is adopted by a candidate as his or her personal
6 campaign committee, the candidate shall file an amendment to the committee's
7 statement under this subsection indicating that all information contained in the
8 statement is true, correct and complete.

9 **SECTION 1fd.** 11.05 (9) (title) of the statutes is repealed and recreated to read:

10 11.05 (9) (title) DEPOSIT OF CONTRIBUTIONS; CONDUITS.

11 **SECTION 1fe.** 11.05 (12) (b) of the statutes is amended to read:

12 11.05 (12) (b) Except as authorized under sub. (13), a committee, group or
13 individual other than a candidate or agent of a candidate shall comply with sub. (1)
14 or (2) no later than the 5th business day commencing after receipt of the first
15 contribution by such committee, group or individual, and before making any
16 disbursement. No committee, group or individual, other than a candidate or agent
17 of a candidate, may accept any contribution or contributions exceeding \$25 in the
18 aggregate the amount specified in sub. (1) or (2) during a calendar year at any time
19 when the committee, group or individual is not registered under this section except
20 within the initial 5-day period authorized by this paragraph.

21 **SECTION 1ff.** 11.05 (13) of the statutes is amended to read:

22 11.05 (13) BANK ACCOUNT AND POSTAL BOX; EXEMPTION. An individual, committee
23 or group does not violate this section by accepting a contribution and making a
24 disbursement in the amount required to rent a postal box, or in the minimum amount
25 required by a bank or trust company to open a checking account, prior to the time of

1 registration, if the disbursement is properly reported on the first report submitted
2 under s. 11.20 or 11.21 (16) after the date that the individual, committee or group is
3 registered, whenever a reporting requirement applies to the registrant.

4 **SECTION 1fg.** 11.06 (1) (intro.) of the statutes is amended to read:

5 11.06 (1) CONTENTS OF REPORT. (intro.) Except as provided in subs. (2), (2m),
6 (3) and (3m) and ~~ss.11.05 (2r)~~ and s. 11.19 (2), each registrant under s. 11.05 shall
7 make full reports, upon a form prescribed by the board and signed by the appropriate
8 individual under sub. (5), of all contributions received, contributions or
9 disbursements made, and obligations incurred. Each report shall contain the
10 following information, covering the period since the last date covered on the previous
11 report, unless otherwise provided:

12 **SECTION 1fh.** 11.06 (1) (e) of the statutes is amended to read:

13 11.06 (1) (e) An itemized statement of contributions over \$20 from a single
14 source donated to a charitable organization or to the common school fund, with the
15 full name and mailing address of the donee, and a statement of contributions over
16 \$20 transferred to the board for deposit in the Wisconsin election campaign fund.

17 **SECTION 1fj.** 11.06 (2) of the statutes is amended to read:

18 11.06 (2) DISCLOSURE OF CERTAIN INDIRECT DISBURSEMENTS. Notwithstanding
19 sub. (1), if a disbursement is made or obligation incurred by an individual other than
20 a candidate or by a committee or group which is not primarily organized for political
21 purposes, and the disbursement does not constitute a contribution to any candidate
22 or other individual, committee or group, the disbursement or obligation is required
23 to be reported only if the purpose is to expressly advocate the election or defeat of a
24 clearly identified candidate or the adoption or rejection of a referendum. The

1 exemption provided by this subsection shall in no case be construed to apply to a
2 political party, ~~legislative campaign~~, personal campaign or support committee.

3 **SECTION 1fk.** 11.06 (2m) (b) to (d) of the statutes are created to read:

4 11.06 (2m) (b) Any individual or committee who or which is required to file an
5 oath under s. 11.06 (7) and who or which accepts contributions, makes disbursements
6 or incurs obligations for the purpose of supporting or opposing one or more
7 candidates for state office and who or which does not anticipate accepting
8 contributions, making disbursements or incurring obligations in an aggregate
9 amount in excess of \$1,000 in a calendar year and does not anticipate accepting any
10 contribution or contributions from a single source exceeding \$100 in that year may
11 indicate on its registration statement that the individual or committee will not
12 accept contributions, incur obligations or make disbursements in the aggregate in
13 excess of \$1,000 in any calendar year and will not accept any contribution or
14 contributions from a single source exceeding \$100 in any calendar year. Any
15 registrant making such an indication is not subject to any filing requirement if the
16 statement is true. The registrant need not file a termination report. A registrant not
17 making such an indication on a registration statement is subject to a filing
18 requirement. The indication may be revoked and the registrant is then subject to a
19 filing requirement as of the date of revocation, or the date on which aggregate
20 contributions, disbursements or obligations for the calendar year exceed \$1,000, or
21 the date on which the registrant accepts any contribution or contributions exceeding
22 \$100 from a single source during any calendar year, whichever is earlier.

23 (c) Any individual or committee who or which is required to file an oath under
24 s. 11.06 (7) and who or which accepts contributions, makes disbursements or incurs
25 obligations for the purpose of supporting or opposing one or more candidates for local

1 office but not for the purpose of supporting or opposing any candidate for state office
2 and who or which does not anticipate accepting contributions, making
3 disbursements or incurring obligations in an aggregate amount in excess of \$100 in
4 a calendar year may indicate on its registration statement that the individual or
5 committee will not accept contributions, incur obligations or make disbursements in
6 the aggregate in excess of \$100 in any calendar year and will not accept any
7 contribution or contributions from a single source, other than contributions made by
8 a candidate to his or her own campaign, exceeding \$100 in any calendar year. Any
9 registrant making such an indication is not subject to any filing requirement if the
10 statement is true. The registrant need not file a termination report. A registrant not
11 making such an indication on a registration statement is subject to a filing
12 requirement. The indication may be revoked and the registrant is then subject to a
13 filing requirement as of the date of revocation, or the date that aggregate
14 contributions, disbursements or obligations for the calendar year exceed \$100,
15 whichever is earlier.

16 (d) If a revocation by a registrant under this subsection is not timely, the
17 registrant violates s. 11.27 (1).

18 **SECTION 1fL.** 11.06 (4) (b) of the statutes is amended to read:

19 11.06 (4) (b) Unless it is returned or donated within 15 days of receipt, a
20 contribution must be reported as received and accepted on the date received. This
21 ~~subsection~~ paragraph applies notwithstanding the fact that the contribution is not
22 deposited in the a campaign depository account by the closing date for the a reporting
23 period as provided in s. 11.20 (8) or the reporting deadline provided in s. 11.21 (16).

24 **SECTION 1fm.** 11.06 (5) of the statutes is amended to read:

1 11.06 (5) REPORT MUST BE COMPLETE. A registered individual or treasurer of a
2 group or committee shall make a good faith effort to obtain all required information.
3 The first report shall commence no later than the date that the first contribution is
4 received and accepted or the first disbursement is made. Each report shall be filed
5 with the appropriate filing officer on the dates designated in s. 11.20 and, if the
6 registrant files reports under s. 11.21 (16), at the times specified in s. 11.21 (16). The
7 individual or the treasurer of the group or committee shall certify to the correctness
8 of each report. In the case of a candidate, the candidate or treasurer shall certify to
9 the correctness of each report. If a treasurer is unavailable, any person designated
10 as a custodian under s. 11.05 (3) (e) may certify to the correctness of a report.

11 **SECTION 1fn.** 11.06 (7m) (a) of the statutes is amended to read:

12 11.06 (7m) (a) If a committee which was registered under s. 11.05 as a political
13 party committee ~~or legislative campaign committee~~ supporting candidates of a
14 political party files an oath under sub. (7) affirming that it does not act in cooperation
15 or consultation with any candidate who is nominated to appear on the party ballot
16 of the party at a general or special election, that the committee does not act in concert
17 with, or at the request or suggestion of, such a candidate, that the committee does
18 not act in cooperation or consultation with such a candidate or agent or authorized
19 committee of such a candidate who benefits from a disbursement made in opposition
20 to another candidate, and that the committee does not act in concert with, or at the
21 request or suggestion of, such a candidate or agent or authorized committee of such
22 a candidate who benefits from a disbursement made in opposition to another
23 candidate, the committee filing the oath may not make any contributions in support
24 of any candidate of the party at the general or special election or in opposition to any

1 such candidate's opponents exceeding the amounts specified in s. 11.26 (2), except as
2 authorized in par. (c).

3 **SECTION 1fp.** 11.06 (7m) (c) of the statutes is amended to read:

4 11.06 (7m) (c) A committee filing an oath under sub. (7) which desires to change
5 its status to a political party committee ~~or legislative campaign committee~~ may do
6 so as of December 31 of any even-numbered year. Section 11.26 does not apply to
7 contributions received by such a committee prior to the date of the change. Such a
8 committee may change its status at other times only by filing a termination
9 statement under s. 11.19 (1) and reregistering as a newly organized committee under
10 s. 11.05.

11 **SECTION 1fq.** 11.06 (11) (c) of the statutes is amended to read:

12 11.06 (11) (c) A contribution of money received from a conduit, accompanied by
13 the information required under par. (a), is considered to be a contribution from the
14 original contributor for the purposes of ss. 11.26 (1) and (4) and 11.50 (2) (b) 5.

15 **SECTION 1fr.** 11.07 (1) of the statutes is amended to read:

16 11.07 (1) Every nonresident committee or group making contributions and
17 every nonresident individual, committee or group making disbursements exceeding
18 \$25-cumulatively the amount specified in s. 11.05 (1) or (2) in a calendar year within
19 this state shall file the name, mailing and street address and the name and the
20 mailing and street address of a designated agent within the state with the office of
21 the secretary of state. An agent may be any adult individual who is a resident of this
22 state. After any change in the name or address of such agent the new address or
23 name of the successor agent shall be filed within 30 days. Service of process in any
24 proceeding under this chapter or ch. 12, or service of any other notice or demand may
25 be made upon such agent.

1 **SECTION 1fs.** 11.07 (5) of the statutes is amended to read:

2 11.07 (5) Any campaign treasurer or individual who knowingly receives a
3 contribution made by an unregistered nonresident in violation of this section may
4 not use or expend such contribution but shall immediately return it to the source or
5 at the option of the campaign treasurer or individual, donate the contribution to a
6 charitable organization or to the common school fund or transfer the contribution to
7 the board for deposit in the Wisconsin election campaign fund.

8 **SECTION 1ft.** 11.09 (3) of the statutes is amended to read:

9 11.09 (3) Each registrant whose filing officer is the board, who or which makes
10 disbursements in connection with elections for offices which serve or referenda
11 which affect only one county or portion thereof, except a candidate, personal
12 campaign committee, political party committee or other committee making
13 disbursements in support of or in opposition to a candidate for state senator,
14 representative to the assembly, court of appeals judge or circuit judge, shall file a
15 duplicate original of each financial report filed with the board with the county clerk
16 or board of election commissioners of the county in which the elections in which the
17 registrant participates are held. Such reports shall be filed no later than the dates
18 specified under s. 11.20 (2) and (4) for the filing of each report with the board. This
19 subsection does not apply to a registrant who or which files reports under s. 11.21
20 (16).

21 **SECTION 1fu.** 11.10 (1) of the statutes is amended to read:

22 11.10 (1) Each candidate in an election shall appoint one campaign treasurer.
23 Except as provided in s. 11.14 (3), each candidate shall designate one campaign
24 depository account within 5 business days after the candidate receives his or her first
25 contribution and before the candidate makes or authorizes any disbursement in

1 behalf of his or her candidacy. If a candidate adopts a preexisting support committee
2 as his or her personal campaign committee, the candidate shall make such
3 designation within 5 business days of adoption. The person designated as campaign
4 treasurer shall be the treasurer of the candidate's personal campaign committee, if
5 any. The candidate may appoint himself or herself or any other elector as campaign
6 treasurer. A registration statement under s. 11.05 (2g) ~~or (2r)~~ must be filed jointly
7 by every candidate and his or her campaign treasurer. The candidate does not
8 qualify for ballot placement until this requirement is met. Except as authorized
9 under s. 11.06 (5), the campaign treasurer or candidate shall certify as to the
10 correctness of each report required to be filed, and the candidate bears the
11 responsibility for the accuracy of each report for purposes of civil liability under this
12 chapter, whether or not the candidate certifies it personally.

13 **SECTION 1fv.** 11.12 (2) of the statutes is amended to read:

14 11.12 (2) Any anonymous contribution exceeding \$10 received by a campaign
15 or committee treasurer or by an individual under s. 11.06 (7) may not be used or
16 expended. The contribution shall be donated to the common school fund or to any
17 charitable organization or transferred to the board for deposit in the Wisconsin
18 election campaign fund, at the option of the treasurer.

19 **SECTION 1fw.** 11.12 (2m) of the statutes is created to read:

20 11.12 (2m) If the campaign treasurer of a registrant receives a contribution in
21 the form of money that is made by an individual who has made contributions to the
22 registrant cumulatively within a calendar year exceeding \$100 in amount or value,
23 and the contributor has not provided to the treasurer the information required under
24 s. 11.06 (1) (b), the treasurer shall obtain the information from the contributor before
25 depositing the contribution in the campaign depository account. If the treasurer does

1 not receive the information within the period prescribed under s. 11.14 (1), the
2 treasurer shall return the contribution to the contributor.

3 **SECTION 1fx.** 11.12 (4) of the statutes is amended to read:

4 11.12 (4) Each registrant shall report contributions, disbursements and
5 incurred obligations in accordance with s. 11.20 and, if the registrant files reports
6 under s. 11.21 (16), in accordance with s. 11.21 (16). Except as permitted under s.
7 11.06 (2), (3) and (3m), each report shall contain the information which is required
8 under s. 11.06 (1).

9 **SECTION 1gc.** 11.12 (5) of the statutes is amended to read:

10 11.12 (5) If any contribution or contributions of \$500 or more cumulatively are
11 received by a candidate for state office or by a committee or individual from a single
12 contributor later than 15 days prior to a primary or election such that it is not
13 included in the preprimary or preelection report submitted under s. 11.20 (3), the
14 treasurer of the committee or the individual receiving the contribution shall within
15 24 hours of receipt inform the appropriate filing officer of the information required
16 under s. 11.06 (1) in such manner as the board may prescribe. The information shall
17 also be included in the treasurer's or individual's next regular report. For purposes
18 of the reporting requirement under this subsection, only contributions received
19 during the period beginning with the day after the last date covered on the
20 preprimary or preelection report, and ending with the day before the primary or
21 election need be reported. This subsection does not apply to a registrant who or
22 which files reports under s. 11.21 (16).

23 **SECTION 1gd.** 11.12 (6) of the statutes is renumbered 11.12 (6) (a) and amended
24 to read:

1 11.12 (6) (a) If ~~any~~ an individual or committee incurs an obligation or makes
2 a disbursement of more than \$20 cumulatively is made to advocate the election or
3 defeat of a clearly identified candidate ~~by an individual or committee~~ later than 15
4 days prior to a primary or election in which the candidate's name appears on the
5 ballot without cooperation or consultation with a candidate or agent or authorized
6 committee of a candidate who is supported or whose opponent is opposed, and not in
7 concert with or at the request or suggestion of such a candidate, agent or committee,
8 the individual or treasurer of the committee shall, within 24 hours ~~of~~ after incurring
9 the obligation or making the disbursement, inform the appropriate filing officer of
10 the information required under s. 11.06 (1) in such manner as the board may
11 prescribe. ~~The information shall also be included in the next regular report of the~~
12 ~~individual or committee under s. 11.20.~~ For purposes of this subsection, paragraph,
13 obligations and disbursements cumulate beginning with the day after the last date
14 covered on the preprimary or preelection report and ending with the day before the
15 primary or election. Upon receipt of a report under this subsection paragraph, the
16 filing officer shall, within 24 hours of receipt, mail a copy of the report to all
17 candidates for any office in support of or opposition to one of whom ~~a~~ an incurred
18 obligation or disbursement identified in the report is incurred or made. A committee
19 that files a report pertaining to a disbursement under par. (c) is not required to file
20 a report pertaining to the same disbursement under this paragraph. This paragraph
21 does not apply to a committee that files reports under s. 11.21 (16).

22 **SECTION 1ge.** 11.12 (6) (c) and (d) of the statutes are created to read:

23 11.12 (6) (c) 1. If any committee identified under s. 11.05 (3) (c) as a special
24 interest committee, other than a conduit, intends to receive any contribution, make
25 any disbursement, or incur any obligation to make a disbursement for the purpose

1 of advocating the election or defeat of a clearly identified candidate for a state office
2 specified in s. 11.31 (1) (a) to (de), (e), or (f) at the general or a special election, or any
3 such candidate who seeks a nomination for such an office at a primary election, or
4 for a purpose described in s. 11.01 (16) (a) 3., without cooperation or consultation with
5 a candidate or agent or authorized committee of a candidate who is supported or
6 whose opponent is opposed, and not in concert with or at the request or suggestion
7 of such a candidate, agent, or committee, the committee shall report to the board at
8 the times specified in s. 11.20 (2s), in such manner as the board may prescribe, the
9 name of each candidate who is supported or whose opponent is opposed and the total
10 amount of contributions to be received, disbursements to be made, and obligations
11 to be incurred for such a purpose in support or opposition to that candidate during
12 the 21-day period following the date on which the report is due to be filed.

13 2. A committee which is required to file reports under this paragraph shall also
14 report to the board, at the times specified in s. 11.20 (2t), in such manner as the board
15 may prescribe, the amount and date of each contribution received, disbursement
16 made, or obligation incurred for the purpose of advocating the election or defeat of
17 a candidate specified in this paragraph in the manner specified in this paragraph,
18 and the name of the candidate in support of or in opposition to whom the contribution
19 was received, disbursement made, or obligation incurred, during the 21-day period
20 ending on each date specified in s. 11.20 (2t).

21 3. A committee which files a report under this paragraph concerning a
22 disbursement is not required to file a report pertaining to the same disbursement
23 under par. (a).

24 (d) All information reported by a registrant under this subsection shall also be
25 included in the next regular report of the registrant under s. 11.20.

1 **SECTION 1gf.** 11.12 (8) and (9) of the statutes are created to read:

2 11.12 **(8)** If a candidate for a state office specified in s. 11.31 (1) (a) to (de), (e),
3 or (f) who does not accept a grant under s. 11.50 makes any disbursement after that
4 candidate has accumulated cash in his or her campaign depository account or has
5 made disbursements during his or her campaign, as defined in s. 11.31 (7), exceeding
6 a combined total of 75% of the amount specified in s. 11.31 (1) (a) to (de), (e), or (f),
7 as adjusted under s. 11.31 (9), for the office that the candidate seeks, that candidate
8 or the candidate's personal campaign committee shall file daily reports with the
9 board and with each candidate whose name is certified to appear on the ballot for the
10 office in connection with which the disbursement is made, by electronic mail or
11 facsimile transmission, on each day beginning with that date or the 7th day after the
12 primary election or the date that a primary would be held, if required, whichever is
13 later, and ending on the date of the election at which the candidate seeks office. Each
14 report shall contain information pertaining to each disbursement made by the
15 candidate or committee and shall be filed no later than 24 hours after that
16 disbursement is made. Each report shall include the same information concerning
17 each disbursement that is required to be reported for other disbursements under s.
18 11.06 (1). The information shall also be included in the next regular report of the
19 candidate or committee under s. 11.20.

20 **(9)** Whenever a report is required to be filed with a candidate by electronic mail
21 or facsimile transmission under this section, the report shall be filed at the address
22 or number of the candidate or personal campaign committee as shown on the
23 registration statement of the candidate or committee. If no electronic mail address
24 or facsimile transmission number is shown, the report shall be filed at the mailing
25 address shown on the statement.

1 **SECTION 1gg.** 11.14 (3) of the statutes is amended to read:

2 11.14 (3) Notwithstanding sub. (1), any candidate who serves as his or her own
3 campaign treasurer and who is authorized to make and makes an indication on his
4 or her registration statement under s. ~~11.05 (2r)~~ 11.06 (2m) that he or she will not
5 accept contributions, make disbursements or incur obligations in an aggregate
6 amount exceeding \$1,000 in a calendar year, and will not accept any contribution or
7 contributions from a single source, other than contributions made by the candidate
8 to his or her own campaign, exceeding \$100 in a calendar year, may designate a single
9 personal account as his or her campaign depository account, and may intermingle
10 personal and other funds with campaign funds. If a separate depository account is
11 later established by the candidate, the candidate shall transfer all campaign funds
12 in the personal account to the new depository account. Disbursements made from
13 such personal account need not be identified in accordance with s. 11.16 (3).

14 **SECTION 1gh.** 11.16 (2) of the statutes is amended to read:

15 11.16 (2) LIMITATION ON CASH CONTRIBUTIONS. Every contribution of money
16 exceeding \$50 shall be made by negotiable instrument or evidenced by an itemized
17 credit card receipt bearing on the face the name of the remitter. No treasurer may
18 accept a contribution made in violation of this subsection. The treasurer shall
19 promptly return the contribution, ~~or donate it~~ the contribution to the common school
20 fund or to a charitable organization or transfer the contribution to the board for
21 deposit in the Wisconsin election campaign fund in the event that the donor cannot
22 be identified.

23 **SECTION 1gj.** 11.16 (5) of the statutes is amended to read:

24 11.16 (5) ESCROW AGREEMENTS. Any personal campaign committee, or political
25 party committee ~~or legislative campaign committee~~ may, pursuant to a written

1 escrow agreement with more than one candidate, solicit contributions for and
2 conduct a joint fund raising effort or program on behalf of more than one named
3 candidate. The agreement shall specify the percentage of the proceeds to be
4 distributed to each candidate by the committee conducting the effort or program.
5 The committee shall include this information in all solicitations for the effort or
6 program. All contributions received and disbursements made by the committee in
7 connection with the effort or program shall be received and disbursed through a
8 separate depository account under s. 11.14 (1) that is identified in the agreement.
9 For purposes of s. 11.06 (1), the committee conducting the effort or program shall
10 prepare a schedule in the form prescribed by the board supplying all required
11 information under s. 11.06 (1) and items qualifying for exclusion under s. 11.31 (6)
12 for the effort or program, and shall transmit a copy of the schedule to each candidate
13 who receives any of the proceeds within the period prescribed in s. 11.06 (4) (c).

14 **SECTION 1gk.** 11.19 (title) of the statutes is amended to read:

15 **11.19 (title) Dissolution Carry-over of surplus funds; dissolution of**
16 **registrants; termination reports.**

17 **SECTION 1gL.** 11.19 (1) of the statutes is amended to read:

18 **11.19 (1)** Whenever any registrant disbands or determines that obligations will
19 no longer be incurred, and contributions will no longer be received nor disbursements
20 made during a calendar year, and the registrant has no outstanding incurred
21 obligations, the registrant shall file a termination report with the appropriate filing
22 officer. Such report shall indicate a cash balance on hand of zero at the end of the
23 reporting period and shall indicate the disposition of residual funds. Residual funds
24 may be used for any political purpose not prohibited by law, returned to the donors
25 in an amount not exceeding the original contribution, transferred to the board for

1 deposit in the Wisconsin election campaign fund or donated to a charitable
2 organization or the common school fund. The report shall be filed and certified as
3 were previous reports, and shall contain the information required by s. 11.06 (1). A
4 registrant to which s. 11.055 (1) applies shall pay the fee imposed under that
5 subsection with a termination report filed under this subsection. If a termination
6 report or suspension report under sub. (2) is not filed, the registrant shall continue
7 to file periodic reports with the appropriate filing officer, no later than the dates
8 specified in s. 11.20 and, if the registrant files reports under s. 11.21 (16), no later
9 than the times specified in s. 11.21 (16). This subsection does not apply to any
10 registrant making an indication under s. ~~11.05 (2r)~~ 11.06 (2m).

11 **SECTION 1gm.** 11.20 (1) of the statutes is amended to read:

12 11.20 (1) All reports required by s. 11.06 which relate to activities which
13 promote or oppose candidates for state office or statewide referenda and all reports
14 under s. 11.08 shall be filed with the board. All reports required by s. 11.06 which
15 relate to activities which promote or oppose candidates for local office or local
16 referenda shall be filed with the appropriate filing officer under s. 11.02, except
17 reports filed under s. 11.08. Each registrant shall file the reports required by this
18 section. If the registrant is subject to a requirement under s. 11.21 (16) to report
19 electronically the same information that is reportable under this section, the
20 registrant shall, in addition, file the reports required by this section recorded on a
21 medium specified by the board.

22 **SECTION 1gn.** 11.20 (2s) of the statutes is created to read:

23 11.20 (2s) A registrant who or which is required to file reports under s. 11.12
24 (6) (c) 1. with respect to a candidate at the general election shall file the reports on
25 the 63rd, 42nd, and 21st day prior to that election. A registrant who is required to

1 file reports under s. 11.12 (6) (c) 1. with respect to a special election shall file a report
2 on the 21st day prior to that election.

3 **SECTION 1gp.** 11.20 (2t) of the statutes is created to read:

4 11.20 (2t) A registrant who or which is required to file reports under s. 11.12
5 (6) (c) 2. with respect to a candidate at the general election shall file the reports no
6 later than the 39th and 18th days prior to that election. A registrant who or which
7 is required to file reports under s. 11.12 (6) (c) 2. with respect to a candidate at a
8 special election shall file the reports no later than the 18th day prior to that election.

9 **SECTION 1gq.** 11.20 (7) of the statutes is amended to read:

10 11.20 (7) ~~In~~ Except as otherwise required under s. 11.21 (16), in the event that
11 any report is required to be filed under this section ~~chapter~~ on a nonbusiness day, it
12 may be filed on the next business day thereafter.

13 **SECTION 1gr.** 11.20 (9) of the statutes is amended to read:

14 11.20 (9) Except as provided in ss. ~~11.05 (2r)~~ 11.06 (2m) and 11.19 (2), the duty
15 to file reports under this section continues until a termination report is filed in
16 accordance with s. 11.19.

17 **SECTION 1gs.** 11.20 (10) (a) of the statutes is amended to read:

18 11.20 (10) (a) Where a requirement is imposed under this section for the filing
19 of a financial report which is to be received by the appropriate filing officer no later
20 than a certain date, the requirement may be satisfied either by actual receipt of the
21 report by the prescribed time for filing at the office of the filing officer, or by filing a
22 report with the U.S. postal service by first class mail with sufficient prepaid postage,
23 addressed to the appropriate filing officer, no later than the 3rd day before the date
24 provided by law for receipt of such report.

25 **SECTION 1gt.** 11.20 (12) of the statutes is amended to read:

1 11.20 **(12)** If a candidate is unopposed in a primary or election, the obligation
2 to file the reports required by this chapter does not cease. Except as provided in ss.
3 ~~11.05 (2r)~~ 11.06 (2m) and 11.19 (2), a registrant who makes or receives no
4 contributions, makes no disbursements or incurs no obligations shall so report on the
5 dates designated in subs. (2) and (4).

6 **SECTION 1gu.** 11.21 (2) of the statutes is amended to read:

7 11.21 **(2)** Furnish to each registrant prescribed forms for the making of reports
8 and statements. Forms shall be sent by 1st class mail not earlier than 21 days and
9 not later than 14 days prior to the applicable filing deadline under s. 11.20, and
10 addressed to the attention of the treasurer or other person indicated on the
11 registration statement. Forms need not be sent to a registrant who has made an
12 indication that aggregate contributions, disbursements and obligations will not
13 exceed the amount specified under s. ~~11.05 (2r)~~ 11.06 (2m) or to a registrant who has
14 been granted a suspension under s. 11.19 (2). Forms for reports shall not be sent by
15 the board to a registrant if the registrant is required to file reports with the board
16 in an electronic format. Whenever any notice of filing requirements under this
17 chapter is sent to a candidate's campaign treasurer, the board shall also send a notice
18 to the candidate if he or she has appointed a separate treasurer. Failure to receive
19 any form or notice does not exempt a registrant from compliance with this chapter.

20 **SECTION 1gv.** 11.21 (15) of the statutes is amended to read:

21 11.21 **(15)** Inform each candidate who files an application to become eligible to
22 receive a grant from the Wisconsin election campaign fund of the dollar amount of
23 the applicable disbursement limitation under s. 11.31 (1) or (1m), adjusted as
24 provided under s. 11.31 (9), which applies to the office for which such person is a

1 candidate. Failure to receive the notice required by this subsection does not
2 constitute a defense to a violation of s. 11.27 (1) or 11.31.

3 **SECTION 1gw.** 11.21 (16) of the statutes is amended to read:

4 11.21 (16) Require each registrant for whom the board serves as filing officer
5 and who or which accepts contributions in a total amount or value of \$20,000 or more
6 during a campaign period to file each campaign finance report that is required to be
7 filed under this chapter in an electronic format, and accept from any other registrant
8 for whom the board serves as a filing officer any campaign finance report that is
9 required to be filed under this chapter in an electronic format. A registrant who or
10 which becomes subject to a requirement to file reports in an electronic format under
11 this subsection shall initially file the registrant's report in an electronic format for
12 the period which includes the date on which the registrant becomes subject to the
13 requirement or, if the registrant is required to report transactions within 24 hours
14 of their occurrence, within 24 hours after the date on which the registrant becomes
15 subject to the requirement. To facilitate implementation of this subsection, the board
16 shall specify, by rule, a type of software that is suitable for compliance with the
17 electronic filing requirement under this subsection. The board shall provide copies
18 of the software to registrants at a price fixed by the board that may not exceed cost.
19 Each registrant who or which files a report under this subsection in an electronic
20 format shall also file a copy of the report with the board that is recorded on a medium
21 specified by the board. The copy shall be signed by an authorized individual and filed
22 with the board by each registrant no later than the time prescribed for filing of the
23 report under this chapter. If a registrant is a committee, the copy shall be certified
24 by an authorized individual and filed with the board by the registrant no later than
25 24 hours after the occurrence of any transaction that is reportable under s. 11.06 (1).

1 If a registrant or other person becomes subject to a requirement to report
2 electronically under this subsection, the registrant or other person shall continue to
3 report electronically regardless of the amount of contributions accepted or
4 expenditures made by the registrant or other person, until a termination report is
5 filed. The board shall provide complete instructions to any registrant who or which
6 files a report under this subsection. In this subsection, the “campaign period” of a
7 candidate, personal campaign committee or support committee begins and ends with
8 the “campaign” of the candidate whose candidacy is supported, as defined in s. 11.26
9 (17), and the “campaign period” of any other registrant begins on January 1 of each
10 odd-numbered year and ends on December 31 of the following year. Section 990.001
11 (4) does not apply to the computation of time permitted for compliance with the filing
12 requirements under this subsection.

13 **SECTION 1gx.** 11.22 (3) of the statutes is amended to read:

14 11.22 (3) Furnish to each registrant prescribed forms for the making of reports
15 and statements. Forms shall be sent by 1st class mail not earlier than 21 days and
16 not later than 14 days prior to the applicable filing deadline under s. 11.20 and
17 addressed to the attention of the treasurer or other person indicated on the
18 registration statement. Forms need not be sent to a registrant who has made an
19 indication that aggregate contributions, disbursements and obligations will not
20 exceed the amount specified under s. ~~11.05 (2r)~~ 11.06 (2m) or to a registrant who has
21 been granted a suspension under s. 11.19 (2). Whenever any notice of the filing
22 requirements under this chapter is sent to a candidate’s campaign treasurer, the
23 filing officer shall also send a notice to the candidate if he or she has appointed a
24 separate treasurer. Failure to receive any form or notice does not exempt a registrant
25 from compliance with this chapter.

1 **SECTION 1gy.** 11.23 (1) of the statutes is amended to read:

2 11.23 (1) Any group or individual may promote or oppose a particular vote at
3 any referendum in this state. Before making disbursements, receiving contributions
4 or incurring obligations in excess of \$~~25~~ \$100 in the aggregate in a calendar year for
5 such purposes, the group or individual shall file a registration statement under s.
6 11.05 (1), or (2) ~~or~~ (2~~r~~). In the case of a group the name and mailing address of each
7 of its officers shall be given in the statement. Every group and every individual
8 under this section shall designate a campaign depository account under s. 11.14.
9 Every group shall appoint a treasurer, who may delegate authority but is jointly
10 responsible for the actions of his or her authorized designee for purposes of civil
11 liability under this chapter. The appropriate filing officer shall be notified by a group
12 of any change in its treasurer within 10 days of the change under s. 11.05 (5). The
13 treasurer of a group shall certify the correctness of each statement or report
14 submitted by it under this chapter.

15 **SECTION 1hc.** 11.23 (2) of the statutes is amended to read:

16 11.23 (2) Any anonymous contribution exceeding \$10 received by an individual
17 or group treasurer may not be used or expended. The contribution shall be donated
18 to the common school fund or to any charitable organization or transferred to the
19 board for deposit in the Wisconsin election campaign fund. at the option of the
20 treasurer.

21 **SECTION 1hd.** 11.24 (1w) of the statutes is created to read:

22 11.24 (1w) No candidate or personal campaign committee of a candidate who
23 applies for a grant under s. 11.50 may accept any contribution from a committee
24 other than a political party committee.

25 **SECTION 1he.** 11.24 (2) of the statutes is renumbered 11.24 (5).

1 **SECTION 1hf.** 11.24 (4) of the statutes is created to read:

2 11.24 (4) (a) No person may make a contribution to an incumbent partisan state
3 elective official or to the personal campaign committee or support committee
4 authorized under s. 11.05 (3) (p) of that official for the purpose of promoting that
5 official's nomination or reelection to the office held by the official during the period
6 beginning on the first Monday of January in each odd-numbered year and ending
7 on the date of enactment of the biennial budget act.

8 (b) Notwithstanding par. (a), a person may make a contribution to an
9 incumbent partisan state elective official against whom a recall petition has been
10 filed during the period beginning on the date that the petition offered for filing is filed
11 under s. 9.10 (3) (b) and ending on the date of the recall election unless the official
12 resigns at an earlier date under s. 9.10 (3) (c).

13 **SECTION 1hg.** 11.25 (2) (b) of the statutes is amended to read:

14 11.25 (2) (b) Notwithstanding par. (a), a registrant may accept contributions
15 and make disbursements from a campaign depository account for the purpose of
16 making expenditures in connection with a campaign for national office; for payment
17 of civil penalties incurred by the registrant under this chapter but not under any
18 other chapter; or for payment of the expenses of nonpartisan campaigns to increase
19 voter registration or participation. Notwithstanding par. (a), a personal campaign
20 committee or support committee may accept contributions and make disbursements
21 from a campaign depository account for payment of inaugural expenses of an
22 individual who is elected to state or local office. If such expenses are paid from
23 contributions made to the campaign depository account, they are reportable under
24 s. 11.06 (1) as disbursements. Otherwise, such expenses are not reportable under s.

1 11.06 (1). If contributions from the campaign depository account are used for such
2 expenses, they are subject to s. 11.26.

3 **SECTION 1hh.** 11.26 (1) (intro.) of the statutes is amended to read:

4 11.26 (1) (intro.) No individual, except an individual serving as a conduit, may
5 make any contribution or contributions to a candidate for election or nomination to
6 any of the following offices and to any individual or committee under s. 11.06 (7)
7 acting solely in support of such a candidate or solely in opposition to the candidate's
8 opponent to the extent of more than a total of the amounts specified per candidate:

9 **SECTION 1hj.** 11.26 (2) (intro.) of the statutes is amended to read:

10 11.26 (2) (intro.) No committee, other than a political party committee or
11 legislative campaign committee, and no individual or committee serving as a
12 conduit, may make any contribution or contributions to a candidate for election or
13 nomination to any of the following offices and to any individual or committee under
14 s. 11.06 (7) acting solely in support of such a candidate or solely in opposition to the
15 candidate's opponent to the extent of more than a total of the amounts specified per
16 candidate:

17 **SECTION 1hk.** 11.26 (2) (a) of the statutes is amended to read:

18 11.26 (2) (a) Candidates for governor, lieutenant governor, secretary of state,
19 ~~state treasurer, attorney general, state superintendent or justice, 4% of the value of~~
20 ~~the disbursement level specified in the schedule under s. 11.31 (1) \$45,000.~~

21 **SECTION 1hL.** 11.26 (2) (ad) to (au) of the statutes are created to read:

22 11.26 (2) (ad) Candidates for lieutenant governor, \$15,000.

23 (am) Candidates for attorney general, \$25,000.

24 (au) Candidates for secretary of state, state treasurer, state superintendent, or
25 justice, \$10,000.

1 **SECTION 1hm.** 11.26 (4) of the statutes is amended to read:

2 11.26 (4) ~~No~~ Except as provided in sub. (10), no individual, except an individual
3 serving as a conduit, may make any contribution or contributions to all candidates
4 for state and local offices and to any individuals who or committees which are subject
5 to a registration requirement under s. 11.05, including ~~legislative campaign~~
6 ~~committees and~~ committees of a political party, to the extent of more than a total of
7 \$10,000 in any calendar year.

8 **SECTION 1hn.** 11.26 (8) of the statutes is amended to read:

9 11.26 (8) (a) No political party as defined in s. 5.02 (13) may receive more than
10 a total of \$150,000 \$450,000 in value of its contributions in any biennium from all
11 other committees, excluding ~~contributions from legislative campaign committees~~
12 ~~and~~ transfers between party committees of the party. In this paragraph, a biennium
13 commences with January 1 of each odd-numbered year and ends with December 31
14 of each even-numbered year.

15 (b) No such political party may receive more than a total of \$6,000 \$18,000 in
16 value of its contributions in any calendar year from any specific committee or its
17 subunits or affiliates, excluding ~~legislative campaign and~~ political party committees.

18 (c) No committee, other than a political party ~~or legislative campaign~~
19 committee, may make any contribution or contributions, directly or indirectly, to a
20 political party under s. 5.02 (13) in a calendar year exceeding a total value of \$6,000
21 \$18,000.

22 **SECTION 1hp.** 11.26 (8m) of the statutes is created to read:

23 11.26 (8m) (a) Except as provided in par. (b), no committee may make a
24 contribution to any other committee except a political party, personal campaign, or
25 support committee.

1 (b) Paragraph (a) does not apply to any contribution made by a committee that
2 is affiliated with a labor organization to any other committee that is affiliated with
3 the same labor organization.

4 **SECTION 1hq.** 11.26 (9) (a) of the statutes is renumbered 11.26 (9) (a) (intro.)
5 and amended to read:

6 11.26 (9) (a) (intro.) No individual who is a candidate for state or local office may
7 receive and accept more than ~~65% of the value of the total disbursement level~~
8 ~~determined under s. 11.31 for the office for which he or she is a candidate~~ the
9 following amount during any primary and election campaign combined from all
10 committees ~~subject to a filing requirement, including political party and legislative~~
11 ~~campaign committees.:~~

12 **SECTION 1hr.** 11.26 (9) (a) 1. to 7. of the statutes are created to read:

13 11.26 (9) (a) 1. For a candidate for the office of governor, \$400,000.

14 2. For a candidate for the office of lieutenant governor, \$100,000.

15 3. For a candidate for the office of attorney general, \$100,000.

16 4. For a candidate for the office of secretary of state, state treasurer, justice or
17 state superintendent, \$50,000.

18 5. For a candidate for the office of state senator, \$24,000.

19 6. For a candidate for the office of representative to the assembly, \$12,000.

20 7. For a candidate for any other state or local office, 20% of the value of the total
21 disbursement level, as determined under s. 11.31 (1) and adjusted as provided under
22 s. 11.31 (9) but without respect to any adjustment under s. 11.31 (1m), for the office
23 for which he or she is a candidate.

24 **SECTION 1hs.** 11.26 (9) (b) of the statutes is renumbered 11.26 (9) (b) (intro.)
25 and amended to read:

1 11.26 **(9)** (b) (intro.) No individual who is a candidate for state or local office may
2 receive and accept more than 45% of the value of the total disbursement level
3 ~~determined under s. 11.31 for the office for which he or she is a candidate~~ the
4 following amount during any primary and election campaign combined from all
5 committees other than political party and legislative campaign committees subject
6 to a filing requirement.;

7 **SECTION 1ht.** 11.26 (9) (b) 1. to 7. of the statutes are created to read:

8 11.26 **(9)** (b) 1. For a candidate for the office of governor, \$485,190.

9 2. For a candidate for the office of lieutenant governor, \$145,564.

10 3. For a candidate for the office of attorney general, \$ 242,550.

11 4. For a candidate for the office of secretary of state, state treasurer, justice or
12 state superintendent, \$97,031.

13 5. For a candidate for the office of state senator, \$15,525.

14 6. For a candidate for the office of representative to the assembly, \$7,763.

15 7. For a candidate for any other state or local office, 25% of the value of the total
16 disbursement level, as determined under s. 11.31 (1) and as adjusted as provided
17 under s. 11.31 (9) but without respect to any adjustment under s. 11.31 (1m), for the
18 office for which he or she is a candidate.

19 **SECTION 1hu.** 11.26 (9) (c) of the statutes is repealed.

20 **SECTION 1hv.** 11.26 (10) of the statutes is amended to read:

21 11.26 **(10)** No candidate for state office who files a sworn statement and
22 application to receive a grant from the Wisconsin election campaign fund may make
23 contributions of more than 200% of the amounts specified in sub. (1) to the
24 candidate's own campaign from the candidate's personal funds or property or the
25 personal funds or property which are owned jointly or as marital property with the

1 candidate's spouse, unless the board determines that the candidate is not eligible to
2 receive a grant, ~~the candidate withdraws his or her application under s. 11.50 (2) (h),~~
3 ~~or s. 11.50 (2) (i) applies.~~ For purposes of this subsection, any contribution received
4 by a candidate or his or her personal campaign committee from a committee which
5 is registered with the federal elections commission as the authorized committee of
6 the candidate under 2 USC 432 (e) shall be treated as a contribution made by the
7 candidate to his or her own campaign. The contribution limit of sub. (4) applies to
8 amounts contributed by such a candidate personally to the candidate's own
9 campaign and to other campaigns, except that a candidate may exceed the limitation
10 if authorized under this subsection to contribute more than the amount specified to
11 the candidate's own campaign, up to the amount of the limitation.

12 **SECTION 1hw.** 11.26 (12m) of the statutes is amended to read:

13 11.26 **(12m)** For purposes of ~~this section~~ subs. (1) and (4), a contribution of
14 money received from a conduit identified in the manner prescribed in s. 11.06 (11)
15 (a) shall be considered a contribution received from the original contributor.

16 **SECTION 1hx.** 11.265 of the statutes is repealed.

17 **SECTION 1hy.** 11.31 (1) (intro.) of the statutes is amended to read:

18 11.31 **(1)** SCHEDULE. (intro.) The following levels of disbursements are
19 established with reference to the candidates listed below. The levels are subject to
20 adjustment under subs. (1m) and (9). Except as provided in sub. (2), such levels do
21 not operate to restrict the total amount of disbursements which are made or
22 authorized to be made by any candidate in any primary or other election.

23 **SECTION 1jc.** 11.31 (1) (a) to (d) of the statutes are amended to read:

24 11.31 **(1)** (a) Candidates for governor, \$1,078,200 \$2,000,000.

25 (b) Candidates for lieutenant governor, \$323,475 \$500,000.

1 (c) Candidates for attorney general, ~~\$539,000~~ \$700,000.

2 (d) Candidates for secretary of state, state treasurer, ~~justice~~ or state
3 superintendent, ~~\$215,625~~ \$250,000.

4 **SECTION 1jd.** 11.31 (1) (de) of the statutes is created to read:

5 11.31 (1) (de) Candidates for justice, \$300,000.

6 **SECTION 1je.** 11.31 (1) (e) and (f) of the statutes are amended to read:

7 11.31 (1) (e) Candidates for state senator, ~~\$34,500~~ \$100,000 total in the primary
8 and election, with disbursements not exceeding ~~\$21,575~~ \$72,000 for either the
9 primary or the election.

10 (f) Candidates for representative to the assembly, ~~\$17,250~~ \$50,000 total in the
11 primary and election, with disbursements not exceeding ~~\$10,775~~ \$36,000 for either
12 the primary or the election.

13 **SECTION 1jf.** 11.31 (1m) of the statutes is created to read:

14 11.31 (1m) DISBURSEMENT LEVEL FOR CANDIDATES IN COMPETITIVE PARTISAN
15 PRIMARY ELECTIONS. The total disbursement level for any candidate for a partisan
16 office at a general or special election whose name appears on the ballot as a candidate
17 for an office at a primary election preceding that election and who receives less than
18 twice as many votes at that primary election as another candidate for the same office
19 within the same political party, and who has an opponent in the general or special
20 election who received at least 6% of the votes cast for all candidates for the office that
21 the candidate seeks on all ballots at the September primary or any special primary
22 preceding the general or special election, is 120% of the amount specified in sub. (1)
23 for the candidate for the same office who receives the greatest number of votes in the
24 primary election, as adjusted as provided in sub. (9).

25 **SECTION 1jg.** 11.31 (2) of the statutes is amended to read:

1 11.31 (2) LIMITATION IMPOSED. No candidate for state office at a spring or general
2 election who files a sworn statement and application to receive a grant from the
3 Wisconsin election campaign fund may make or authorize total disbursements from
4 the his or her campaign treasury in any campaign to the extent of more than the
5 amount prescribed in sub. (1) or (1m), whichever is applicable, adjusted as provided
6 under sub. (9), unless the board determines that the candidate is not eligible to
7 receive a grant, ~~the candidate withdraws his or her application under s. 11.50 (2) (h),~~
8 ~~or s. 11.50 (2) (i) sub. (3p) applies.~~ No candidate for state office at a special election
9 who files a sworn statement and application to receive a grant from the Wisconsin
10 election campaign fund may make or authorize total disbursements from the his or
11 her campaign treasury in any campaign to the extent of more than the amount
12 prescribed under sub. (1), adjusted as provided under sub. (9), for the preceding
13 spring or general election for the same office, unless the board determines that the
14 candidate is not eligible to receive a grant, ~~the candidate withdraws his or her~~
15 ~~application under s. 11.50 (2) (h), or s. 11.50 (2) (i) sub. (3p) applies.~~

16 **SECTION 1jh.** 11.31 (2m) of the statutes is repealed:

17 **SECTION 1jj.** 11.31 (3) of the statutes is amended to read:

18 11.31 (3) GUBERNATORIAL CAMPAIGNS. For purposes of compliance with the
19 limitations imposed under sub. (2), candidates for governor and lieutenant governor
20 of the same political party who both accept grants from the Wisconsin election
21 campaign fund may agree to combine disbursement levels under sub. (1) (a) and (b),
22 adjusted as provided under sub. (9), and reallocate the total level between them. The
23 candidates shall each inform the board of any such agreement.

24 **SECTION 1jk.** 11.31 (3p) of the statutes is created to read:

1 **11.31 (3p)** CANDIDATES RECEIVING ADDITIONAL GRANTS; EXCEPTION. If a candidate
2 receives a grant under s. 11.50 (9) (b), (ba), or (bb), the disbursement limitation of
3 that candidate for the campaign in which the grant is received is increased by the
4 amount of that grant.

5 **SECTION 1jL.** 11.31 (9) of the statutes is created to read:

6 **11.31 (9)** ADJUSTMENT OF DISBURSEMENT LEVELS. (a) In this subsection,
7 “consumer price index” means the average of the consumer price index over each
8 12–month period, all items, U.S. city average, as determined by the bureau of labor
9 statistics of the U.S. department of labor.

10 (b) The dollar amounts of all disbursement limitations specified in sub. (1) shall
11 be subject to a cost–of–living adjustment to be determined by rule of the board in
12 accordance with this subsection. To determine the adjustment, the board shall
13 calculate the percentage difference between the consumer price index for the
14 12–month period ending on December 31 of each odd–numbered year and the
15 consumer price index for calendar year 2003. For each biennium, the board shall
16 adjust the disbursement limitations specified under sub. (1) by that percentage to the
17 extent required to reflect any difference, rounded to the nearest multiple of \$25 in
18 the case of amounts of \$1 or more, which amount shall be in effect until a subsequent
19 rule is promulgated under this subsection. Notwithstanding s. 227.24 (1) (a), (2) (b),
20 and (3), determinations under this subsection may be promulgated as an emergency
21 rule under s. 227.24 without providing evidence that the emergency rule is necessary
22 for the public peace, health, safety, or welfare, and without a finding of emergency.

23 **SECTION 1jm.** 11.38 (1) (a) 2. of the statutes is amended to read:

24 **11.38 (1)** (a) 2. Notwithstanding subd. 1., any such corporation or association
25 may establish and administer a separate segregated fund and solicit contributions

1 from individuals to the fund to be utilized by such corporation or association, for the
2 purpose of supporting or opposing any candidate for state or local office but the
3 corporation or association may not make any contribution to the fund. The fund shall
4 appoint a treasurer and shall register as a political committee under s. 11.05. A
5 parent corporation or association engaging solely in this activity is not subject to
6 registration under s. 11.05, but shall register and file special reports on forms
7 prescribed by the board disclosing its administrative and solicitation expenses on
8 behalf of such fund. A corporation not domiciled in this state need report only its
9 expenses for administration and solicitation of contributions in this state together
10 with a statement indicating where information concerning other administration and
11 solicitation expenses of its fund may be obtained. The reports shall be filed with the
12 filing officer for the fund specified in s. 11.02 in the manner provided under s. 11.21
13 (16), if applicable, or otherwise in the manner in which continuing reports are filed
14 under s. 11.20 (4) and (8).

15 **SECTION 1jn.** 11.38 (6) of the statutes is amended to read:

16 11.38 (6) Any individual or campaign treasurer who receives funds in violation
17 of this section shall promptly return such funds to the contributor or, donate the
18 funds to the common school fund or a charitable organization or transfer the funds
19 to the board for deposit in the Wisconsin election campaign fund, at the treasurer's
20 option.

21 **SECTION 1jp.** 11.38 (8) (b) of the statutes is amended to read:

22 11.38 (8) (b) Except as authorized in s. 11.05 (12) (b) and (13), prior to making
23 any disbursement on behalf of a political group which is promoting or opposing a
24 particular vote at a referendum and prior to accepting any contribution or making
25 any disbursement to promote or oppose a particular vote at a referendum, a

1 corporation or association organized under ch. 185 shall register with the
2 appropriate filing officer specified in s. 11.02 and appoint a treasurer. The
3 registration form of the corporation or association under s. 11.05 shall designate an
4 account separate from all other corporation or association accounts as a campaign
5 depository account, through which all moneys received or expended for the adoption
6 or rejection of the referendum shall pass. The corporation or association shall file
7 periodic reports under s. 11.20 and under s. 11.21 (16), if applicable, providing the
8 information required under s. 11.06 (1).

9 **SECTION 1jq.** 11.50 (1) (a) 1. (intro.) of the statutes is created to read:

10 11.50 (1) (a) 1. (intro.) For purposes of qualification for a grant from the general
11 account:

12 **SECTION 1jr.** 11.50 (1) (a) 1. of the statutes is renumbered 11.50 (1) (a) 1. a.

13 **SECTION 1js.** 11.50 (1) (a) 2. of the statutes is renumbered 11.50 (1) (a) 1. b.

14 **SECTION 1jt.** 11.50 (1) (a) 2m. of the statutes is created to read:

15 11.50 (1) (a) 2m. For purposes of qualification for a grant from a political party
16 account, an individual who is certified under s. 7.08 (2) (a) in the general election or
17 a special election as the candidate of an eligible political party for a state office, other
18 than district attorney, or an individual who has been lawfully appointed and certified
19 to replace such an individual on the ballot at the general or a special election and who
20 has qualified for a grant under sub. (2).

21 **SECTION 1ju.** 11.50 (1) (am) of the statutes is created to read:

22 11.50 (1) (am) “Eligible political party” means any of the following:

23 1. A party qualifying under s. 5.62 (1) (b) for a separate ballot or one or more
24 separate columns or rows on a ballot for the period beginning on the date of the

1 preceding general election and ending on the day before the general election that
2 follows that election.

3 2. A party qualifying under s. 5.62 (2) for a separate ballot or one or more
4 separate columns or rows on a ballot for the period beginning on the preceding June
5 1, or if that June 1 is in an odd-numbered year, the period beginning on June 1 of the
6 preceding even-numbered year, and ending on May 31 of the 2nd year following that
7 June 1.

8 **SECTION 1jv.** 11.50 (1) (bm) and (cm) of the statutes are created to read:

9 11.50 (1) (bm) “General account” means the account in the fund created under
10 sub. (2w).

11 (cm) “Political party account” means an account in the fund created under sub.
12 (2s).

13 **SECTION 1jw.** 11.50 (2) (a) of the statutes is amended to read:

14 11.50 (2) (a) Any individual who desires to qualify as an eligible candidate may
15 file an application with the board requesting approval to participate in the fund. The
16 application shall be filed no later than the applicable deadline for filing nomination
17 papers under s. 8.10 (2) (a), 8.15 (1), 8.20 (8) (a) or 8.50 (3) (a), no later than 4:30 p.m.
18 on the 7th day after the primary or date on which the primary would be held if
19 required in the case of write-in candidates, or no later than 4:30 p.m. on the 7th day
20 after appointment in the case of candidates appointed to fill vacancies. The
21 application shall contain a sworn statement that the candidate and his or her
22 authorized agents have complied with the contribution limitations prescribed in s.
23 11.26 and the disbursement limitations ~~prescribed~~ imposed under s. 11.31 (2), as
24 adjusted under s. 11.31 (9), at all times to which such limitations have applied to his
25 or her candidacy and will continue to comply with the limitations at all times to

1 which the limitations apply to his or her candidacy for the office in contest, unless
2 the board determines that the candidate is not eligible to receive a grant, ~~the~~
3 ~~candidate withdraws his or her application under par. (h), or par. (i) s. 11.31 (3p)~~
4 applies. The application shall also contain a sworn statement that the candidate and
5 his or her agents have not accepted any contribution made by a committee other than
6 a political party committee during the campaign, or, if any such contribution has
7 been accepted, that the contribution has been returned or donated as provided in par.
8 (j), and the candidate and his or her agents will not accept any such contribution
9 during the campaign, unless the candidate is determined by the board to be ineligible
10 to receive a grant after the date of that determination.

11 **SECTION 1jx.** 11.50 (2) (b) 5. of the statutes is amended to read:

12 11.50 (2) (b) 5. The financial reports filed by or on behalf of the candidate as
13 of the date of the spring or September primary, or the date that the special primary
14 is or would be held, if required, indicate that the candidate has received an amount
15 equal to at least the amount provided in this subdivision 3% of the applicable
16 authorized disbursement limitation, as determined under s. 11.31 (1) and adjusted
17 under s. 11.31 (9) but without respect to any adjustment under s. 11.31 (1m), from
18 contributions of money, other than loans, made by individuals who reside in this
19 state and, in the case of a candidate for legislative office, by individuals at least 50%
20 of whom reside in a county having territory within the legislative district in which
21 the candidate seeks office, which contributions have been received during the period
22 ending on the date of the spring primary and July 1 preceding such date in the case
23 of candidates at the spring election, or the date of the September primary and
24 January 1 preceding such date in the case of candidates at the general election, or
25 the date that a special primary will or would be held, if required, and 90 days

1 preceding such date or the date a special election is ordered, whichever is earlier, in
2 the case of ~~special election~~ candidates at a special election, which contributions are
3 in the aggregate amount of \$100 or less, and which contributions are fully identified
4 and itemized as to the exact source thereof. A contribution received from a conduit
5 which is identified by the conduit as originating from an individual shall be
6 considered a contribution made by the individual. Only the first \$100 of an aggregate
7 contribution of more than \$100 may be counted toward the required percentage. ~~For~~
8 ~~a candidate at the spring or general election for an office identified in s. 11.26 (1) (a)~~
9 ~~or a candidate at a special election, the required amount to qualify for a grant is 5%~~
10 ~~of the candidate's authorized disbursement limitation under s. 11.31. For any other~~
11 ~~candidate at the general election, the required amount to qualify for a grant is 10%~~
12 ~~of the candidate's authorized disbursement limitation under s. 11.31.~~

13 **SECTION 1jy.** 11.50 (2) (c) of the statutes is amended to read:

14 11.50 (2) (c) If a candidate has not filed financial reports as of the date of the
15 spring primary, September primary, special primary, or date that the special primary
16 would be held, if required, which indicate that he or she has met the qualification
17 under par. (b) 5., the candidate may file a special report with the board. Such report
18 shall be filed not later than the 7th day after the primary, or 7th day after the date
19 the primary would be held, if required, and shall include such supplementary
20 information as to sources of contributions which may be necessary to complete the
21 candidate's qualification. The special report shall cover the period from the day after
22 the last date covered on the candidate's most recent report, or from the date on which
23 the first contribution was received or the first disbursement was made, whichever
24 is earlier, if the candidate has not previously filed a report, to the date of such report.
25 All information included on the special report shall also be included in the

1 candidate's next report under s. 11.20. This paragraph does not apply to a candidate
2 who files reports under s. 11.21 (16).

3 **SECTION 1kc.** 11.50 (2) (g) of the statutes is amended to read:

4 11.50 (2) (g) A candidate who voluntarily files an application to receive a grant
5 in accordance with this subsection accepts and agrees to comply with the
6 contribution limitations prescribed in s. 11.26 and the disbursement limitations
7 imposed under s. 11.31 (2), as adjusted under s. 11.31 (9), as binding upon himself
8 or herself and his or her agents during the campaign of that candidate as defined in
9 s. 11.31 (7), as a precondition to receipt of a grant under this section, unless the board
10 determines that the candidate is not eligible to receive a grant, ~~the candidate~~
11 ~~withdraws the application under par. (h), or par. (i) s. 11.31 (3p)~~ applies.

12 **SECTION 1kd.** 11.50 (2) (h) of the statutes is repealed.

13 **SECTION 1ke.** 11.50 (2) (i) of the statutes is repealed.

14 **SECTION 1kf.** 11.50 (2) (j) of the statutes is created to read:

15 11.50 (2) (j) If a candidate who desires to apply for a grant has accepted, or the
16 candidate's personal campaign committee has accepted, a contribution from a
17 committee other than a political party committee during the campaign for the office
18 that the candidate seeks, the candidate shall, before filing an application to receive
19 a grant, return the contribution or its monetary equivalent to the contributor, or, at
20 the contributor's option, donate an amount equal to the contribution to the fund or
21 to the common school fund. If the board later determines that the candidate is
22 ineligible to receive a grant, the candidate may then accept contributions from
23 committees other than political party committees after the date of that
24 determination.

25 **SECTION 1kg.** 11.50 (2m) of the statutes is created to read:

1 11.50 **(2m)** PUBLIC INFORMATION. (a) Annually, no later than September 1, the
2 board may notify the state treasurer that an amount not exceeding 5% of the amount
3 transferred to the fund in that year shall be placed in a public information account.
4 Moneys in this account shall be expended by the board for the purpose of providing
5 public information concerning the purpose and effect of this section and s. 71.10 (3).

6 (b) As part of the public information program under par. (a), the board shall
7 prepare an easily understood description of the purpose and effect of this section and
8 s. 71.10 (3).

9 (c) Any amount placed in the public information account that is not expended
10 by the board in any year shall be retained in that account.

11 **SECTION 1kh.** 11.50 (2s) of the statutes is created to read:

12 11.50 **(2s)** POLITICAL PARTY ACCOUNTS. (a) There is established a political party
13 account for each eligible political party. Each political party account consists of all
14 moneys designated by individuals for deposit in that account under s. 71.10 (3) (a).

15 (b) From the account of each eligible political party, the board shall apportion
16 moneys to eligible candidates representing that party who qualify to receive grants.
17 Whenever an eligible candidate representing an eligible political party receives a
18 grant, the state treasurer shall first make payment of the grant from the political
19 party account of that party, to the extent that sufficient moneys are available in that
20 account to make payment of the grant.

21 (c) If a political party for which an account is established under this subsection
22 ceases to be an eligible political party, the board shall transfer the unencumbered
23 balance of that account to the general account.

24 **SECTION 1kj.** 11.50 (2w) of the statutes is created to read:

1 **11.50 (2w) GENERAL ACCOUNT.** There is established a general account within
2 the fund consisting of all moneys designated by individuals for deposit in that
3 account under s. 71.10 (3) (a).

4 **SECTION 1kk.** 11.50 (3) of the statutes is repealed.

5 **SECTION 1kL.** 11.50 (4) of the statutes is repealed and recreated to read:

6 **11.50 (4) PAYMENT OF GRANT AMOUNTS.** The state treasurer shall make payment
7 of each grant to an eligible candidate from the political party account of that
8 candidate's political party, if any, if there are sufficient moneys in that account to
9 make full payment of the grant, and then from the general account. If there are
10 insufficient moneys in the general account to make full payment of a grant, the state
11 treasurer shall supplement the general account from the appropriation under s.
12 20.855 (4) (ba) in an amount sufficient to make full payment of the grant. Except as
13 provided in subs. (4m) and (10), the amount of each grant is the amount specified in
14 sub. (9).

15 **SECTION 1km.** 11.50 (4m) of the statutes is created to read:

16 **11.50 (4m) GRANTS FOR PRIMARY CAMPAIGNS.** If an eligible candidate who
17 qualifies to receive a grant in a spring, general, or special election was opposed in the
18 spring or September primary, or in a special primary, by a candidate who qualified
19 to have his or her name appear on the primary ballot and the eligible candidate won
20 nomination in that primary, the board shall award to that candidate the primary
21 grant specified in sub. (9) (a) at the same time that grants are distributed under that
22 paragraph for the spring, general, or special election, provided that the candidate
23 has filed with the board, no later than the time specified in s. 8.10 (2) (a), 8.15 (1),
24 8.20 (8) (a), or 8.50 (3) (a) nomination papers containing at least the following number
25 of valid signatures of electors for the office that the candidate seeks:

1 (a) For candidates for statewide offices, not less than 4,000 electors.

2 (b) For candidates for state senator, not less than 800 electors.

3 (c) For candidates for representative to the assembly, not less than 400 electors.

4 **SECTION 1kn.** 11.50 (5) of the statutes is amended to read:

5 11.50 (5) TIME OF DISBURSEMENT. The state treasurer shall make the
6 disbursements of grants under sub. (9) (a) to the campaign depository account of each
7 eligible candidate ~~under subs. (3) and (4)~~ by the end of the 3rd business day following
8 notice from the board under s. 7.08 (2) (c) or (cm). If an eligible candidate notifies the
9 state treasurer of the information required to make electronic transfers to the
10 candidate's campaign depository account, the state treasurer shall transfer to the
11 candidate any supplemental grants under sub. (9) (b), (ba), or (bb) for which the
12 candidate qualifies immediately following notice from the board under s. 7.08 (2) (c)
13 or (cm). Eligible candidates for governor and lieutenant governor of the same
14 political party may combine accounts if desired.

15 **SECTION 1kp.** 11.50 (6) of the statutes is amended to read:

16 11.50 (6) EXCESS MONEYS. If the amounts which are to be apportioned to each
17 eligible candidate ~~under subs. (3) and (4)~~ are more than the amount which a
18 candidate may accept under sub. (9), or more than the amount which a candidate
19 elects to accept under sub. (10), the excess moneys shall be retained in the fund.

20 **SECTION 1kq.** 11.50 (9) (title) of the statutes is amended to read:

21 11.50 (9) (title) ~~LIMITATION ON~~ AMOUNT OF GRANTS.

22 **SECTION 1kr.** 11.50 (9) of the statutes is renumbered 11.50 (9) (a) and amended
23 to read:

24 11.50 (9) (a) The Except as provided in this paragraph and pars. (b), (ba), and
25 (bb) the total grant available to an eligible candidate may not exceed an amount

1 equal to the lesser of 45% of the disbursement level specified for the office that the
2 candidate seeks, as determined under s. 11.31 (1) and adjusted under s. 11.31 (9) but
3 without respect to any adjustment under s. 11.31 (1m) or that amount which, when
4 added to all other contributions accepted from sources other than individuals,
5 political party committees and legislative campaign committees by the candidate, is
6 equal to 45% of the disbursement level specified for the applicable office that the
7 candidate seeks, as determined under s. 11.31 (1) and adjusted as provided under s.
8 11.31 (9) but without respect to any adjustment under s. 11.31 (1m). Except as
9 provided in pars. (b), (ba), and (bb), the total grant available to an eligible candidate
10 who qualifies for a grant for primary campaign expenses under sub. (4m) may not
11 exceed an amount equal to the lesser of 55% of the disbursement level specified for
12 the office that the candidate seeks, as determined under s. 11.31 (1) and adjusted
13 under s. 11.31 (9), but without respect to any adjustment under s. 11.31 (1m), or that
14 amount which, when added to all other contributions accepted by the candidate, is
15 equal to the disbursement level specified for the office that the candidate seeks, as
16 determined under s. 11.31 (1) and adjusted under s. 11.31 (9) but without respect to
17 any adjustment under s. 11.31 (1m). The board shall scrutinize accounts and reports
18 and records kept under this chapter to assure that applicable limitations under ss.
19 11.26 (9) and 11.31 are not exceeded and any violation is reported. No candidate or
20 campaign treasurer may accept grants exceeding the amount authorized by this
21 subsection.

22 **SECTION 1ks.** 11.50 (9) (b), (ba) and (bb) of the statutes are created to read:

23 11.50 (9) (b) If an eligible candidate who accepts a grant is opposed by one or
24 more candidates in a general or special election whose names are certified under s.
25 7.08 (2) (a) or 8.50 (1) (d) to appear on the ballot, and if a committee intends to receive

1 or receives any contribution or contributions that are intended to be used or that are
2 used to oppose the election of the eligible candidate who accepts a grant or to support
3 a certified opponent of that candidate without cooperation or consultation with any
4 certified opposing candidate or such a candidate's agent or authorized committee,
5 and not in concert with, or at the request or suggestion of any certified opposing
6 candidate's agent or authorized committee, then the board shall make an additional
7 grant to the eligible candidate who accepts a grant in an amount equal to the total
8 amount of contributions received for the purpose of advocating the election of the
9 certified opposing candidate or for the purpose of opposing the election of the eligible
10 candidate who accepts the grant, as reported by committees under s. 11.12 (6) (c).

11 (ba) If an eligible candidate at a primary or election, or both, who accepts a
12 grant is opposed by one or more candidates who are required, or whose personal
13 campaign committees are required, to file a report under s. 11.12 (8), then the board
14 shall make an additional grant to the eligible candidate who accepts a grant in an
15 amount equal to the total amount or value of disbursements, as reported under s.
16 11.12 (8), made by the opposing candidate or candidates exceeding the amount
17 specified under s. 11.31 (1) (a) to (de), (e), or (f) for the office which the candidate
18 seeks, as adjusted under s. 11.31 (9) but without respect to any adjustment under s.
19 11.31 (1m) .

20 (bb) If the sum of the aggregate disbursements made by committees against an
21 eligible candidate who accepts a grant and of the disbursements made by committees
22 for that candidate's opponent, as reported under s. 11.12 (6) (c), exceed 10% of the
23 amount specified under s. 11.31 (1) (a) to (de), (e), or (f) for the office that the eligible
24 candidate seeks as adjusted under s. 11.31 (9), but without respect to any adjustment
25 under s. 11.31 (1m), then the board shall make an additional grant to the eligible

1 candidate in an amount equal to the total amount of such disbursements made by
2 each committee to the extent that such amount exceeds the amount of any additional
3 grant provided under par. (b) attributable to contributions received or intended to be
4 received.

5 **SECTION 1kt.** 11.50 (11) (a) of the statutes is amended to read:

6 11.50 (11) (a) ~~No~~ Except as authorized for candidates who are awarded grants
7 under sub. (4m), no grant may be utilized in any primary.

8 **SECTION 1ku.** 11.50 (11) (e) of the statutes is amended to read:

9 11.50 (11) (e) No candidate may expend, authorize the expenditure of or incur
10 any obligation to expend any grant if he or she violates the pledge required under
11 sub. (2) (a) as a precondition to receipt of a grant, ~~except as authorized in sub. (2) (h)~~
12 ~~or (i).~~

13 **SECTION 1kv.** 11.50 (14) of the statutes is created to read:

14 11.50 (14) CERTIFICATIONS TO SECRETARY OF REVENUE. (a) In each
15 even-numbered year, the board shall certify to the secretary of revenue:

16 1. No later than July 1, the name of each political party that qualifies under
17 sub. (1) (am) 1. as an eligible political party as of the preceding June 1 and whose
18 state chairperson has filed a request to establish an account for the party under sub.
19 (2s) (a).

20 2. No later than December 15, the name of each political party that qualifies
21 under sub. (1) (am) 2. as an eligible political party as of the date of the preceding
22 general election.

23 (b) As soon as possible after receiving a valid application from an eligible
24 candidate under sub. (2) (a) and determining that the candidate is eligible to receive

1 a grant, the board shall certify to the secretary of revenue the full name of that
2 candidate as the name appears on the candidate's nomination papers.

3 (c) In each certification under this subsection, the board shall specify the
4 expiration date of the certification.

5 **SECTION 1kw.** 11.60 (3s) and (3t) of the statutes are created to read:

6 11.60 **(3s)** Notwithstanding sub. (1), if any candidate or committee, other than
7 a conduit, accepts a contribution, makes a disbursement, or incurs an obligation to
8 make a disbursement for the purpose of supporting or opposing a candidate for an
9 office specified in s. 11.31 (1) (a) to (de), (e), or (f) without first registering under s.
10 11.05 (1), (2), or (2g) to the extent required under s. 11.05 (1), (2), and (2g), or without
11 reporting the information required under s. 11.12 (6) (c) or (8) or 11.20 (3) or (4) with
12 respect to that contribution, disbursement, or obligation, to the extent required
13 under ss. 11.12 (6) (c) and (8) and 11.20 (3) and (4), the candidate or other individual
14 or committee may be required to forfeit not more than \$500 per day for each day of
15 continued violation.

16 **(3t)** Notwithstanding sub. (1), if any candidate or committee, other than a
17 conduit, accepts one or more contributions, makes one or more disbursements, or
18 incurs one or more obligations to make disbursements for the purpose of supporting
19 or opposing a candidate for an office specified in s. 11.31 (1) (a) to (de), (e), or (f) in
20 an amount or value that differs from the amount reported by that individual or
21 committee under s. 11.12 (6) (c) or (8) or 11.20 (3) or (4):

22 (a) By more than 5% but not more than 10% cumulatively, the candidate or
23 other individual or committee shall forfeit 4 times the amount or value of the
24 difference.

1 (b) By more than 10% but not more than 15% cumulatively, the candidate or
2 other individual or committee shall forfeit 6 times the amount or value of the
3 difference.

4 (c) By more than 15% cumulatively, the candidate or other individual or
5 committee shall forfeit 8 times the amount of the difference.

6 **SECTION 1kx.** 11.60 (4) of the statutes is amended to read:

7 11.60 (4) Actions under this section arising out of an election for state office or
8 a statewide referendum may be brought by the board or by the district attorney of
9 the county where the violation is alleged to have occurred, except as specified in s.
10 11.38. Actions under this section arising out of an election for local office or local
11 referendum may be brought by the district attorney of the county where the violation
12 is alleged to have occurred. Actions under this section arising out of an election for
13 county office or a county referendum may be brought by the county board of election
14 commissioners of the county wherein the violation is alleged to have occurred. In
15 addition, whenever a candidate or personal campaign committee or agent of a
16 candidate is alleged to have violated this chapter, action may be brought by the
17 district attorney of any county any part of which is contained within the jurisdiction
18 or district in which the candidate seeks election. If a violation concerns a district
19 attorney or circuit judge or candidate for such offices, the action shall be brought by
20 the attorney general. If a violation concerns the attorney general or a candidate for
21 such office, the governor may appoint special counsel under s. 14.11 (2) to bring suit
22 in behalf of the state. The counsel shall be independent of the attorney general and
23 need not be a state employe at the time of appointment.”.

24 **5.** Page 3, line 12: after that line insert:

1 procedure was executed as there stated. I am not a candidate for any office on the
2 enclosed ballot (except in the case of an incumbent municipal clerk). I did not solicit
3 or advise the elector to vote for or against any candidate or measure.

4(Name)

5(Address)**

6 * — An elector who provides an identification serial number issued under s.
7 6.47 (3), Wis. Stats., need not provide a street address.

8 ** — If this form is executed before 2 special voting deputies under s. 6.875 (6),
9 Wis. Stats., both deputies shall witness and sign.

10 **SECTION 1pe.** 6.875 (1) (at) of the statutes is amended to read:

11 6.875 (1) (at) “Qualified retirement home” means a retirement home that
12 qualifies under sub. (2) ~~(b)~~ (c) to utilize the procedures under this section.

13 **SECTION 1pg.** 6.875 (2) (a) of the statutes is amended to read:

14 6.875 (2) (a) The procedures prescribed in this section are the exclusive means
15 of absentee voting for electors who are occupants of nursing homes ~~or~~ qualified
16 community-based residential facilities or qualified retirement homes.

17 **SECTION 1pj.** 6.875 (6) of the statutes, as affected by 2001 Wisconsin Act 16,
18 is amended to read:

19 6.875 (6) Special voting deputies in each municipality shall, not later than 5
20 p.m. on the Friday preceding an election, arrange one or more convenient times with
21 the administrator of each nursing home ~~or~~ qualified retirement home, and qualified
22 community-based residential facility in the municipality from which one or more
23 occupants have filed an application under s. 6.86 to conduct absentee voting for the
24 election. The time may be no earlier than the 4th Monday preceding the election and
25 no later than 5 p.m. on the Monday preceding the election. Upon request of a relative

1 of an occupant of a nursing home or qualified retirement home or qualified
2 community-based residential facility, the administrator may notify the relative of
3 the time or times at which special voting deputies will conduct absentee voting at the
4 home or facility, and permit the relative to be present in the room where the voting
5 is conducted. At the designated time, 2 deputies appointed under sub. (4) shall visit
6 ~~the nursing home or qualified retirement home or qualified community-based~~
7 ~~residential~~ facility. The municipal clerk or executive director of the board of election
8 commissioners shall issue a supply of absentee ballots to the deputies sufficient to
9 provide for the number of valid applications received by the clerk, and a reasonable
10 additional number of ballots. The municipal clerk or executive director shall keep
11 a careful record of all ballots issued to the deputies and shall require the deputies to
12 return every ballot issued to them. The deputies shall personally offer each elector
13 who has filed a proper application the opportunity to cast his or her absentee ballot.
14 If an elector is present who has not filed a proper application, the 2 deputies may
15 accept an application from the elector and shall issue a ballot to the elector if the
16 elector is qualified and the application is proper. The deputies shall ~~administer~~ each
17 witness the ~~oath~~ certification and may, upon request of the elector, assist the elector
18 in marking the elector's ballot. Upon request of the elector, a relative of the elector
19 who is present in the room may assist the elector in marking the elector's ballot. All
20 voting shall be conducted in the presence of the deputies. No individual other than
21 a deputy may ~~administer~~ witness the ~~oath~~ certification and no individual other than
22 a deputy or relative of an elector may render voting assistance to the elector. Upon
23 completion of the voting, the deputies shall promptly deliver, either personally or by
24 1st class mail, any absentee ballot applications and the sealed certificate envelope
25 containing each ballot to the clerk or board of election commissioners of the

1 municipality in which the elector casting the ballot resides, within such time as will
2 permit delivery to the polling place serving the elector's residence on election day.
3 Personal delivery may be made by the deputies no later than noon on election day.
4 If a qualified elector is not able to cast his or her ballot on 2 separate visits by the
5 deputies to the ~~nursing home or qualified retirement home~~ facility, they shall so
6 inform the municipal clerk or executive director of the board of election
7 commissioners, who may then send the ballot to the elector no later than 5 p.m. on
8 the Friday preceding the election.

9 **SECTION 1pL. 6.88** (1) of the statutes is amended to read:

10 **6.88 (1)** When an absentee ballot arrives at the office of the municipal clerk,
11 the clerk shall enclose it, unopened, in a carrier envelope which shall be securely
12 sealed and endorsed with the name and official title of the clerk, and the words "This
13 envelope contains the ballot of an absent elector and must be opened at the polls
14 during polling hours on election day". If the ballot was received by the elector by
15 facsimile transmission or electronic mail and is accompanied by a separate
16 certificate, the clerk shall enclose the ballot in a certificate envelope and securely
17 append the completed certificate to the outside of the envelope before enclosing the
18 ballot in the carrier envelope. The clerk shall keep the ballot in the clerk's office until
19 delivered, as required in sub. (2).

20 **SECTION 1pn. 6.92** of the statutes is renumbered 6.92 (1) and amended to read:

21 **6.92 (1)** ~~Each~~ Except as provided in sub. (2), each inspector shall challenge for
22 cause any person offering to vote whom the inspector knows or suspects is not a
23 qualified elector. If a person is challenged as unqualified by an inspector, one of the
24 inspectors shall administer the following oath or affirmation to the person: "You do
25 solemnly swear (or affirm) that you will fully and truly answer all questions put to

1 you regarding your place of residence and qualifications as an elector of this
2 election”; and shall then ask questions which are appropriate as determined by the
3 board, by rule, to test the person’s qualifications.

4 **SECTION 1po.** 6.92 (2) of the statutes is created to read:

5 6.92 (2) An inspector appointed under s. 7.30 (2) (am) may not challenge any
6 person offering to vote.

7 **SECTION 1pp.** 7.03 (1) (a) of the statutes, as affected by 2001 Wisconsin Act 16,
8 is amended to read:

9 7.03 (1) (a) ~~A~~ Except as authorized under this paragraph, a reasonable daily
10 compensation shall be paid to each inspector, voting machine custodian, automatic
11 tabulating equipment technician, member of a board of canvassers, messenger, and
12 tabulator who is employed and performing duties under chs. 5 to 12. Daily
13 compensation shall also be provided to officials and trainees for attendance at
14 training sessions and examinations required by the board under s. 7.31.
15 Alternatively, such election officials and trainees may be paid by the hour at a
16 proportionate rate for each hour actually worked. Any election official or trainee may
17 choose to volunteer his or her services by filing with the municipal clerk of the
18 municipality in which he or she serves a written declination to accept compensation.
19 The volunteer status of the election official or trainee remains effective until the
20 official or trainee files a written revocation with the municipal clerk.

21 **SECTION 1pr.** 7.03 (1) (b), (bm), (c) and (d) of the statutes are amended to read:

22 7.03 (1) (b) Except as provided in par. (bm), ~~payment~~ any compensation owed
23 shall be ~~made paid~~ by the municipality in which the election is held, except that any
24 compensation payable to a technician, messenger, tabulator, or member of the board
25 of canvassers who is employed to perform services for the county shall be paid by the

1 county and compensation payable to any messenger or tabulator who is employed to
2 perform services for the state shall be paid by the board.

3 (bm) Whenever a special election is called by a county or by a school district,
4 a technical college district, a sewerage district, a sanitary district, or a public inland
5 lake protection and rehabilitation district, the county or district shall pay the
6 compensation of all election officials performing duties in those municipalities, as
7 determined under sub. (2).

8 (c) If a central counting location serving more than one municipality is utilized
9 under s. 7.51 (1), the cost of compensation of election officials at the location shall be
10 proportionately divided between the municipalities utilizing the location, except
11 that if all municipalities within a county utilize the location, the compensation shall
12 be paid by the county.

13 (d) ~~Special~~ Except as otherwise provided in par. (a), special registration
14 deputies appointed under s. 6.55 (6), special voting deputies appointed under s. 6.875
15 (4) and officials and trainees who attend training sessions under s. 7.15 (1) (e) or 7.25
16 (5) may also be compensated by the municipality where they serve at the option of
17 the municipality.

18 **SECTION 1pt.** 7.08 (3) (intro.) and (4) of the statutes are amended to read:

19 7.08 (3) ELECTION MANUAL. (intro.) Prepare and publish separate from the
20 election laws an election manual written so as to be easily understood by the general
21 public explaining the duties of the election officials, together with notes and
22 references to the statutes as the board considers advisable. ~~The manual shall be~~
23 ~~furnished by the board free to each county and municipal clerk or board of election~~
24 ~~commissioners and others in such manner as it deems most likely to promote the~~
25 ~~public welfare.~~ The election manual shall:

1 **(4) ELECTION LAWS.** Publish the election laws. ~~The board shall furnish the~~
2 ~~election laws free to each county and municipal clerk and board of election~~
3 ~~commissioners in sufficient supply to provide one copy for reference at each office and~~
4 ~~at each polling place.~~ The board shall sell or distribute or arrange for the sale or
5 distribution of copies of the election laws to county and municipal clerks and boards
6 of election commissioners and members of the public.

7 **SECTION 1pv.** 7.08 (5) of the statutes is created to read:

8 **7.08 (5) DISTRICT MAPS.** Distribute, upon request and free of charge, to any
9 candidate for representative in Congress, state senator, or representative to the
10 assembly a copy of the map or maps received under s. 16.96 (3) (b) showing district
11 boundaries.

12 **SECTION 1px.** 7.30 (2) (a) of the statutes is amended to read:

13 **7.30 (2) (a)** Only election officials appointed under this section may conduct an
14 election. Except as authorized in s. 7.15 (1) (k), each inspector shall be a qualified
15 elector ~~in~~ of the ward or wards, or the election district, for which the polling place is
16 established. Special registration deputies appointed under s. 6.55 (6) and election
17 officials ~~servng more than one ward or when necessary~~ who are appointed to fill a
18 vacancy under par. (b) need not be a resident of that ~~the ward or wards, or the election~~
19 district, but shall be a resident of the municipality. Special registration deputies may
20 be appointed to serve more than one polling place. All officials shall be able to read
21 and write the English language, be capable, be of good understanding, and may not
22 be a candidate for any office to be voted for at an election at which they serve. In 1st
23 class cities, they may hold no public office other than notary public. Except as
24 authorized under sub. (4) (c), all inspectors shall be affiliated with one of the 2
25 recognized political parties which received the largest number of votes for president,

1 or governor in nonpresidential general election years, in the ward or combination of
2 wards served by the polling place at the last election. The party which received the
3 largest number of votes is entitled to one more inspector than the party receiving the
4 next largest number of votes at each polling place. The same election officials may
5 serve the electors of more than one ward where wards are combined under s. 5.15 (6)
6 (b). If a municipality is not divided into wards, the ward requirements in this
7 paragraph apply to the municipality at large.

8 **SECTION 1rc.** 7.30 (2) (am) of the statutes is created to read:

9 7.30 (2) (am) Except as otherwise provided in this paragraph, a pupil who is
10 16 or 17 years of age, who is enrolled in grades 9 to 12 in a public or private school,
11 and who has at least a 3.0 grade point average or the equivalent may serve as an
12 inspector at the polling place serving the pupil's residence, with the approval of the
13 pupil's parent or guardian and of the principal of the school in which the pupil is
14 enrolled. A pupil may serve as an inspector at a polling place under this paragraph
15 only if at least one election official at the polling place other than the chief inspector
16 is a qualified elector of this state. No pupil may serve as chief inspector at a polling
17 place under this paragraph. Before appointment by any municipality of a pupil as
18 an inspector under this paragraph, the municipal clerk shall obtain written
19 authorization from the pupil's parent or guardian and from the principal of the school
20 where the pupil is enrolled for the pupil to serve for the entire term for which he or
21 she is appointed. Upon appointment of a pupil to serve as an inspector, the municipal
22 clerk shall notify the principal of the school where the pupil is enrolled of the date
23 of expiration of the pupil's term of office.

24 **SECTION 1re.** 7.30 (4) (b) 1. of the statutes is amended to read:

1 7.30 (4) (b) 1. In cities where there is a board of election commissioners, the
2 aldermanic district committeemen or committeewomen under s. 8.17 of each of the
3 2 dominant recognized political parties shall submit a certified list no later than
4 November 30 of each even-numbered year containing the names of at least as many
5 ~~electors~~ nominees as there are inspectors from that party for each of the voting wards
6 in the aldermanic district. The chairperson may designate any individual whose
7 name is submitted as a first choice nominee. The board of election commissioners
8 shall appoint, no later than December 31 of even-numbered years, at least 5
9 inspectors for each ward. The board of election commissioners shall appoint all first
10 choice nominees for so long as positions are available, unless nonappointment is
11 authorized under par. (e), and shall appoint other individuals in its discretion. The
12 board of election commissioners may designate such alternates as it deems
13 advisable.

14 **SECTION 1rg.** 7.30 (6) (b) of the statutes, as affected by 2001 Wisconsin Act 16,
15 is amended to read:

16 7.30 (6) (b) Prior to the first election following the appointment of the
17 inspectors, the ~~inspectors at each polling place~~ municipal clerk shall ~~elect~~ appoint
18 ~~one of their number~~ the inspectors at each polling place to ~~act~~ serve as chief inspector.
19 No person may serve as chief inspector at any election who is not certified by the
20 board under s. 7.31 at the time of the election. The chief inspector shall hold the
21 position for the remainder of the term unless the inspector is removed by the clerk
22 or the inspector ceases to be certified under s. 7.31, except that whenever wards are
23 combined or separated under s. 5.15 (6) (b), the ~~inspectors~~ municipal clerk shall ~~elect~~
24 ~~a new chief~~ appoint another inspector who is certified under s. 7.31 to serve as chief
25 inspector at each polling place designated under s. 5.15 (6) (b). If a vacancy occurs

1 in the position of chief inspector at any polling place, the municipal clerk shall
2 appoint one of the other inspectors who is certified under s. 7.31 to fill the vacancy.

3 **SECTION 1rj.** 7.33 (2) of the statutes is amended to read:

4 7.33 (2) Service as an election official under this chapter shall be mandatory
5 upon all ~~qualified electors~~ individuals appointed, during the full 2-year term, after
6 which they shall be exempt from further service as an election official, under this
7 chapter, until 3 terms of 2 years each have elapsed. Municipal clerks may grant
8 exemptions from service at any time.

9 **SECTION 1rL.** 7.41 (4) of the statutes, as affected by 2001 Wisconsin Act 39, is
10 amended to read:

11 7.41 (4) No individual exercising the right under sub. (1) may view the
12 confidential portion of a registration list maintained under s. 6.36 (4) or a poll list
13 maintained under s. 6.79 (6). However, the inspectors shall disclose to such an
14 individual, upon request, the existence of such a list, the number of electors whose
15 names appear on the list, and the number of those electors who have voted at any
16 point in the proceedings. No ~~observer~~ such individual may view the
17 ~~certificate–affidavit form~~ certificate of an absent elector who obtains a confidential
18 listing under s. 6.47 (2).

19 **SECTION 1rn.** 7.51 (1) of the statutes is amended to read:

20 7.51 (1) CANVASS PROCEDURE. Immediately after the polls close the inspectors
21 shall proceed to canvass publicly all votes received at the polling place. In any
22 municipality where an electronic voting system is used, the municipal governing
23 body or board of election commissioners may provide or authorize the municipal
24 clerk or executive director of the board of election commissioners to provide for the
25 adjournment of the canvass to one or more central counting locations for specified

1 polling places in the manner prescribed in subch. III of ch. 5. No central counting
2 location may be used to count votes at a polling place where an electronic voting
3 system is not employed. The canvass, whether conducted at the polling place or at
4 ~~the~~ a central counting location, shall continue without adjournment until the
5 canvass is completed and the return statements are made. The inspectors shall not
6 permit access to the name of any elector who has obtained a confidential listing under
7 s. 6.47 (2) during the canvass, except as authorized in s. 6.47 (8).

8 **SECTION 1rp.** 7.60 (2) of the statutes is amended to read:

9 7.60 (2) COUNTY BOARD OF CANVASSERS. The county clerk and 2 qualified electors
10 of the county appointed by the clerk constitute the county board of canvassers. The
11 members of the board of canvassers shall serve for 2-year terms commencing on
12 January 1 of each odd-numbered year, except that any member who is appointed to
13 fill a permanent vacancy shall serve for the unexpired term of the original appointee.
14 One member of the board of canvassers shall belong to a political party other than
15 the clerk's. If The county clerk shall designate a deputy clerk who shall perform the
16 clerk's duties as a member of the board of canvassers in the event that the county
17 clerk's office is vacant, ~~if the clerk cannot perform his or her duties, or if the clerk is~~
18 ~~a candidate at an election being canvassed, the county clerk shall designate a deputy~~
19 ~~clerk to perform the clerk's duties.~~ If the county clerk and designated deputy clerk
20 are both unable to perform their duties, the county executive or, if there is no county
21 executive, the chairperson of the county board of supervisors shall designate another
22 qualified elector of the county to perform the clerk's duties. If a member other than
23 the clerk cannot perform his or her duties, the clerk shall appoint another member
24 to serve. No person may serve on the county board of canvassers if the person is a
25 candidate for an office to be canvassed by that board. If lists of candidates for the

1 county board of canvassers are submitted to the county clerk by political party county
2 committees, the lists shall consist of at least 3 names and the clerk shall choose the
3 board members from the lists. Where there is a county board of election
4 commissioners, it shall serve as the board of canvassers. If the county board of
5 election commissioners serves as the board of canvassers, the executive director of
6 the county board of election commissioners shall serve as a member of the board of
7 canvassers to fill a temporary vacancy on that board.

8 **SECTION 1rr.** 8.15 (4) (a) of the statutes is amended to read:

9 8.15 (4) (a) The certification of a qualified elector stating his or her residence
10 with street and number, if any, shall appear at the bottom of each nomination paper,
11 stating he or she personally circulated the nomination paper and personally
12 obtained each of the signatures; he or she knows they are electors of the ward,
13 aldermanic district, municipality or county, as the nomination papers require; he or
14 she knows they signed the paper with full knowledge of its content; he or she knows
15 their respective residences given; he or she knows each signer signed on the date
16 stated opposite his or her name; and, that he or she, the circulator, resides within the
17 district which the candidate named therein will represent, if elected; that he or she
18 intends to support the candidate; and that he or she is aware that falsifying the
19 certification is punishable under s. 12.13 (3) (a), Wis. stats. The circulator shall
20 indicate the date that he or she makes the certification next to his or her signature.

21 The certification may be made by the candidate or any qualified elector.

22 **SECTION 1rt.** 8.15 (9) of the statutes is repealed.

23 **SECTION 1rv.** 8.20 (10) of the statutes is repealed.

24 **SECTION 1rx.** 8.21 of the statutes is amended to read:

1 **8.21 Declaration of candidacy.** Each candidate, except a candidate for
2 presidential elector under s. 8.20 (2) (d), shall file a declaration of candidacy, no later
3 than the latest time provided for filing nomination papers under s. 8.10 (2) (a), 8.15
4 (1), 8.20 (8) (a) or 8.50 (3) (a), or the time provided under s. 8.16 (2) or 8.35 (2) (c).
5 A candidate shall file the declaration with the officer or agency with which
6 nomination papers are filed for the office which the candidate seeks, or if nomination
7 papers are not required, with the clerk or board of election commissioners of the
8 jurisdiction in which the candidate seeks office. The declaration shall be sworn to
9 before any officer authorized to administer oaths. The declaration shall contain the
10 name of the candidate in the form specified under s. 8.10 (2) (b) for candidates for
11 nonpartisan office or s. 8.15 (5) (a) or 8.20 (2) (a) for candidates for partisan office,
12 and shall state that the signer is a candidate for a named office, that he or she meets
13 or will at the time he or she assumes office meet applicable age, citizenship, residency
14 or voting qualification requirements, if any, prescribed by the constitutions and laws
15 of the United States and of this state, and that he or she will otherwise qualify for
16 office if nominated and elected. The declaration shall include the candidate's name
17 in the form in which it will appear on the ballot. Each candidate for state and local
18 office shall include in the declaration a statement that he or she has not been
19 convicted of any ~~infamous crime~~ misdemeanor designated under state or federal law
20 as a violation of the public trust or any felony for which he or she has not been
21 ~~pardoned and a list of all felony convictions for which he or she has not been~~
22 ~~pardoned~~. In addition, each candidate for state or local office shall include in the
23 declaration a statement that discloses his or her municipality of residence for voting
24 purposes, and the street and number, if any, on which the candidate resides. The
25 declaration is valid with or without the seal of the officer who administers the oath.

1 A candidate for state or local office shall file an amended declaration under oath with
2 the same officer or agency if any information contained in the declaration changes
3 at any time after the original declaration is filed and before the candidate assumes
4 office or is defeated for election or nomination.

5 **SECTION 1tc.** 8.40 (2) of the statutes is amended to read:

6 **8.40 (2)** The certification of a qualified elector stating his or her residence with
7 street and number, if any, shall appear at the bottom of each separate sheet of each
8 petition specified in sub. (1), stating that he or she personally circulated the petition
9 and personally obtained each of the signatures; that the circulator knows that they
10 are electors of the jurisdiction or district in which the petition is circulated; that the
11 circulator knows that they signed the paper with full knowledge of its content; that
12 the circulator knows their respective residences given; that the circulator knows that
13 each signer signed on the date stated opposite his or her name; that the circulator
14 resides within the jurisdiction or district in which the petition is circulated; and that
15 the circulator is aware that falsifying the certification is punishable under s. 12.13
16 (3) (a). The circulator shall indicate the date that he or she makes the certification
17 next to his or her signature.

18 **SECTION 1te.** 9.10 (2) (e) 3. of the statutes is amended to read:

19 **9.10 (2) (e) 3.** The signature is dated after the date of the notarization
20 certification contained on the petition sheet.

21 **SECTION 1tg.** 9.10 (2) (em) 4. and 5. of the statutes are repealed.

22 **SECTION 1tj.** 9.10 (2) (o) of the statutes is repealed.

23 **SECTION 1tL.** 9.10 (2) (r) 1. to 3. of the statutes are repealed.

24 **SECTION 1tn.** 9.10 (4) (d) of the statutes is amended to read:

1 9.10 (4) (d) ~~The~~ Promptly upon receipt of a certificate under par. (a), the
2 governing body, school board, or board of election commissioners ~~upon receiving the~~
3 certificate shall call an a recall election. The recall election shall be held on the
4 Tuesday of the 6th week commencing after the date of on which the certificate. ~~If is~~
5 filed, except that if Tuesday is a legal holiday, the recall election shall be held on the
6 first day after Tuesday which is not a legal holiday.

7 **SECTION 1tp.** 10.06 (3) (am) of the statutes is amended to read:

8 10.06 (3) (am) As soon as possible following the deadline for filing nomination
9 papers for any municipal election when there is to be an election for a county or state
10 office or a county or statewide referendum, but no later than ~~2~~ 3 days after such
11 deadline, the municipal clerk of each municipality in which voting machines or
12 ballots containing the names of candidates for both local offices and national, state
13 or county offices are used shall certify the list of candidates for municipal office to the
14 county clerk if a primary is required, unless the municipality prepares its own ballots
15 under s. 7.15 (2) (c).

16 **SECTION 1tr.** 10.06 (3) (bm) of the statutes is amended to read:

17 10.06 (3) (bm) As soon as possible following the municipal canvass of the
18 primary vote or the qualification of the candidates under s. 8.05 (1) (j) when a
19 municipal caucus ~~when is held, if~~ there is to be an election for a county or state office
20 or a county or statewide referendum, but no later than ~~2~~ 3 days after such date, the
21 municipal clerk of each municipality in which voting machines or ballots containing
22 the names of candidates for both local offices and national, state or county offices are
23 used shall certify the list of candidates for municipal office and municipal referenda
24 appearing on the ballot to the county clerk, unless the municipality prepares its own
25 ballots under s. 7.15 (2) (c).

1 **SECTION 1tt.** 11.21 (3) of the statutes is amended to read:

2 11.21 (3) Prepare and publish for the use of persons required to file reports and
3 statements under this chapter a manual setting forth simply and concisely
4 recommended uniform methods of bookkeeping and reporting. ~~The board shall~~
5 ~~furnish a copy of the manual without charge, upon request, to all persons who are~~
6 ~~required to file reports or statements with the board, and shall distribute or arrange~~
7 ~~for the distribution of copies of the manual for use by other filing officers.~~

8 **SECTION 1tv.** 11.21 (14) of the statutes is amended to read:

9 11.21 (14) Prepare, publish and periodically revise as necessary a manual
10 simply and concisely describing the filing and registration requirements established
11 in this chapter in detail, as well as other major provisions of this chapter and ch. 12.
12 ~~The board shall furnish a copy of the manual without charge, upon request, to all~~
13 ~~persons who are required to file reports or statements with the board, and shall~~
14 ~~distribute or arrange for the distribution of copies of the manual for use by other~~
15 ~~filing officers.”.~~

16 **6.** Page 3, line 12: after that line insert:

17 “**SECTION 1f.** 6.24 (5) of the statutes is amended to read:

18 6.24 (5) **BALLOTS.** The board shall prescribe a special ballot for use under this
19 section whenever necessary. Official ballots prescribed for use in the presidential
20 preference primary may also be used. The ballot shall be designed to comply with
21 the requirements prescribed under ss. ~~5.60 (8)~~ 5.58 (2r), 5.62, and 5.64 (1) insofar as
22 applicable. All ballots shall be limited to national offices only.

23 **SECTION 1h.** 8.12 (1) and (3) of the statutes are amended to read:

1 8.12 (1) SELECTION OF NAMES FOR BALLOT. (a) No later than 5 p.m. on the first
2 3rd Tuesday in January ~~November~~, or the next day if Tuesday is a holiday, ~~in~~ of the
3 year before each year in which electors for president and vice president are to be
4 elected, the state chairperson of each recognized political party listed on the official
5 ballot at the last gubernatorial election whose candidate for governor received at
6 least 10% of the total votes cast for that office may certify to the board that the party
7 will participate in the presidential preference primary. For each party filing such a
8 certification, the voters of this state shall at the spring election primary be given an
9 opportunity to express their preference for the person to be the presidential
10 candidate of that party.

11 (b) On the ~~last~~ 2nd Tuesday in ~~January in~~ December of the year before each year
12 in which electors for president and vice president are to be elected, there shall be
13 convened in the capitol a committee consisting of, for each party filing a certification
14 under this subsection, the state chairperson of that state party organization or the
15 chairperson's designee, one national committeeman and one national
16 committeewoman designated by the state chairperson; the speaker and the minority
17 leader of the assembly or their designees, and the president and the minority leader
18 of the senate or their designees. All designations shall be made in writing to the
19 board. This committee shall organize by selecting an additional member who shall
20 be the chairperson and shall determine, and certify to the board, no later than on the
21 Friday following the ~~last Tuesday in January~~ date on which the committee convenes
22 under this paragraph, the names of all candidates of the political parties represented
23 on the committee for the office of president of the United States. The committee shall
24 place the names of all candidates whose candidacy is generally advocated or
25 recognized in the national news media throughout the United States on the ballot,

1 and may, in addition, place the names of other candidates on the ballot. The
2 committee shall have sole discretion to determine that a candidacy is generally
3 advocated or recognized in the national news media throughout the United States.

4 (c) No later than 5 p.m. on the ~~3rd~~ first Tuesday in ~~February~~ January of each
5 presidential election year, any person seeking the nomination by the national
6 convention of a political party filing a certification under this subsection for the office
7 of president of the United States, or any committee organized in this state on behalf
8 of and with the consent of such person, may submit to the board a petition to have
9 the person's name appear on the presidential preference ballot. The petition may be
10 circulated no sooner than the ~~last~~ 2nd Tuesday in ~~January~~ of December preceding
11 such year and shall be signed by a number of qualified electors equal in each
12 congressional district to not less than 1,000 signatures nor more than 1,500
13 signatures. The form of the petition shall conform to the requirements of s. 8.40. All
14 signers on each separate petition paper shall reside in the same congressional
15 district.

16 (d) The board shall forthwith contact each person whose name has been placed
17 in nomination under par. (b) and notify him or her that his or her name will appear
18 on the Wisconsin presidential preference ballot unless he or she files, no later than
19 5 p.m. on the ~~3rd~~ first Tuesday in ~~February~~ January of such year, with the board, a
20 disclaimer stating without qualification that he or she is not and does not intend to
21 become a candidate for the office of president of the United States at the forthcoming
22 presidential election. The disclaimer may be filed with the board by certified mail,
23 by telegram, or in person.

24 **(3) REPORTING OF RESULTS.** No later than ~~May 15~~ the 2nd Tuesday following the
25 presidential preference vote primary, the board shall notify each state party

1 organization chairperson under sub. (1) (b) of the results of the presidential
2 preference vote cast primary within the state and within each congressional district.

3 **SECTION 1jc.** 10.06 (1) (e) of the statutes is amended to read:

4 10.06 (1) (e) As soon as possible following the state canvass of the spring
5 primary vote, but no later than the first Tuesday in March, the board shall send a
6 type B notice certifying to each county clerk the list of candidates for the spring
7 election. When no state spring primary is held or when the only primary held is the
8 presidential preference primary, this notice shall be sent under par. (c). The board
9 shall also in any case send a certified list of candidates under s. 11.50 to the state
10 treasurer pursuant to s. 7.08 (2) (c). When there is a referendum, the board shall send
11 type A and C notices certifying each question to the county clerks as soon as possible,
12 but no later than the first Tuesday in March.

13 **SECTION 1je.** 10.06 (2) (b) of the statutes is amended to read:

14 10.06 (2) (b) Upon receipt of the type B notice from the board preceding the
15 spring election, each county clerk shall add any county offices, prepare the ballots,
16 and send notice to each municipal clerk of the ~~coming~~ spring primary. When there
17 is no state spring primary within the county and there is no presidential preference
18 primary scheduled for the date of the spring primary, but there is to be a county
19 spring primary, the county clerk shall prepare the ballots and send notice to each
20 municipal clerk.

21 **SECTION 1jg.** 10.06 (2) (d) of the statutes is amended to read:

22 10.06 (2) (d) On the Monday preceding the spring primary, when held, the
23 county clerk shall publish a type B notice. In a year in which a presidential
24 preference primary is held, the county clerk shall also publish notice of the
25 presidential preference primary.

1 **SECTION 1jj.** 10.06 (2) (g) of the statutes is amended to read:

2 10.06 **(2)** (g) On the Monday preceding the spring election, the county clerk
3 shall publish a type B notice containing the same information prescribed in par. (a).
4 ~~In those years in which a presidential preference primary is held, the county clerk~~
5 ~~shall also publish notice of the primary.~~ In addition, the county clerk shall publish
6 a type C notice on the Monday preceding the spring election for all state and county
7 referenda to be voted upon by electors of the county.”.

8 **7.** Page 3, line 14: delete lines 14 to 17 and substitute:

9 “11.61 **(1)** (a) Whoever intentionally violates s. 11.05 (1), (2), or (2g) or (2r), 11.07
10 (1) or (5), 11.10 (1), 11.12 (5), 11.23 (6), ~~or 11.24 (1)~~ may be fined not more than \$10,000
11 ~~or imprisoned not more than 4 years and 6 months or both~~ is guilty of a Class I
12 felony.”.

13 **8.** Page 5, line 4: after that line insert:

14 “**SECTION 7m.** 13.101 (6) (a) of the statutes is amended to read:

15 13.101 **(6)** (a) As an emergency measure necessitated by decreased state
16 revenues and to prevent the necessity for a state tax on general property, the
17 committee may reduce any appropriation made to any board, commission,
18 department, or the University of Wisconsin System, or to any other state agency or
19 activity, by such amount as it deems feasible, not exceeding 25% of the
20 appropriations, except appropriations made by ss. 20.255 (2) (ac), (bc), (bh), (cg), and
21 (cr), 20.395 (1), (2) (cq), (eq) to (ex) and (gq) to (gx), (3), (4) (aq) to (ax), and (6) (aq)
22 ~~and~~, (ar), and (at), 20.435 (6) (a) and (7) (da), and 20.445 (3) (a) and (dz) or for forestry
23 purposes under s. 20.370 (1), or any other moneys distributed to any county, city,
24 village, town, or school district. Appropriations of receipts and of a sum sufficient

1 shall for the purposes of this section be regarded as equivalent to the amounts
2 expended under such appropriations in the prior fiscal year which ended June 30.
3 All functions of said state agencies shall be continued in an efficient manner, but
4 because of the uncertainties of the existing situation no public funds should be
5 expended or obligations incurred unless there shall be adequate revenues to meet the
6 expenditures therefor. For such reason the committee may make reductions of such
7 appropriations as in its judgment will secure sound financial operations of the
8 administration for said state agencies and at the same time interfere least with their
9 services and activities.”.

10 **9.** Page 5, line 4: after that line insert:

11 “**SECTION 7m.** 13.101 (14) of the statutes, as affected by 2001 Wisconsin Act 16,
12 is amended to read:

13 13.101 (14) With the concurrence of the joint committee on information policy
14 and technology, direct the department of ~~electronic government~~ administration to
15 report to the committee concerning any specific information technology system
16 project in accordance with s. 13.58 (5) (b) 4.”.

17 **10.** Page 7, line 9: delete lines 9 to 20.

18 **11.** Page 8, line 1: delete lines 1 to 2.

19 **12.** Page 8, line 2: after that line insert:

20 “**SECTION 9m.** 13.625 (3m) of the statutes is created to read:

21 13.625 (3m) No elective state official and no personal campaign committee of
22 an elective state official may solicit a lobbyist or principal to arrange for another
23 person to make a campaign contribution to that official or personal campaign

1 committee or to another elective state official or the personal campaign committee
2 of that official.”.

3 **13.** Page 8, line 2: after that line insert:

4 “**SECTION 9m.** 13.58 (5) (a) 5. of the statutes, as affected by 2001 Wisconsin Act
5 16, is amended to read:

6 13.58 (5) (a) 5. Upon receipt of strategic plans from the department of ~~electronic~~
7 ~~government~~ administration, the joint committee on legislative organization and the
8 director of state courts, review and transmit comments concerning the plans to the
9 entities submitting the plans.

10 **SECTION 9n.** 13.58 (5) (b) 4. (intro.) of the statutes, as affected by 2001
11 Wisconsin Act 16, is amended to read:

12 13.58 (5) (b) 4. (intro.) With the concurrence of the joint committee on finance,
13 direct the department of ~~electronic~~ ~~government~~ administration to report
14 semiannually to the committee and the joint committee on finance concerning any
15 specific information technology system project which is being designed, developed,
16 tested or implemented and which the committees anticipate will have a total cost to
17 the state exceeding \$1,000,000 in the current or any succeeding fiscal biennium. The
18 report shall include all of the following:”.

19 **14.** Page 8, line 8: after that line insert:

20 “**SECTION 11m.** 13.94 (1) (bm), (bp) and (br) of the statutes are created to read:

21 13.94 (1) (bm) 1. Conduct a management and performance evaluation audit of
22 every large program at least once each 5 years. In this paragraph “large program”
23 means a program, as described in s. 20.003 (3), under s. 20.255 (2), 20.285 (1), 20.292

1 (1), 20.395 (1), (2), or (3), 20.410 (1) or (3), 20.435 (2), (3), (4), or (6), 20.445 (1) or (3),
2 or 20.835 (1), (2), (3), or (4).

3 2. The audit must include an appraisal of all management practices, operating
4 procedures, and organizational structures related to the program. The audit may be
5 conducted in conjunction with the audit under par. (b) or separately. Within 30 days
6 after completion of the audit, the bureau shall file with the joint legislative audit
7 committee, the appropriate standing committees, and the joint committee on
8 legislative organization, under s. 13.172 (3), the governor, the department of
9 administration, the legislative reference bureau, the joint committee on finance, the
10 legislative fiscal bureau, and the state department, board, commission, or
11 independent agency that administers the program audited, a detailed report thereof,
12 including its recommendations for improvement and efficiency and including
13 specific instances, if any, of illegal or improper expenditures.

14 (bp) 1. Conduct a management and performance evaluation audit to review
15 supervisor-to-staff ratios in every large agency at least once each 5 years. In this
16 paragraph “large agency” means an agency created under ch. 15 and that has more
17 than 100 full-time equivalent positions.

18 2. The audit may be conducted in conjunction with the audit under par. (b) or
19 (bm) or separately. Within 30 days after completion of the audit, the bureau shall file
20 with the joint legislative audit committee, the appropriate standing committees, and
21 the joint committee on legislative organization, under s. 13.172 (3), the governor, the
22 department of administration, the legislative reference bureau, the joint committee
23 on finance, the legislative fiscal bureau, and the state department, board,
24 commission, or independent agency audited, a detailed report thereof, including its
25 recommendations for improvement and efficiency.

1 (br) Maintain a toll-free telephone number with voice mail at the bureau's
2 office to receive reports of fraud, waste, or abuse in state government. The bureau
3 shall relay these reports to the appropriate bureau employee for investigation. The
4 bureau shall publicize the toll-free telephone number on the bureau's website. The
5 bureau shall maintain records that permit the release of information provided by
6 informants while protecting the identity of the informant. Any records maintained
7 by the bureau which relate to the identity of informants shall be only for the
8 confidential use of the bureau in the administration of this section, unless the
9 informant expressly agrees to release the records. Appearance in court as a witness
10 shall not be considered consent by an informant to release confidential records
11 maintained by the bureau.”.

12 **15.** Page 8, line 8: after that line insert:

13 “**SECTION 10m.** 13.90 (6) of the statutes, as affected by 2001 Wisconsin Act 16,
14 is amended to read:

15 13.90 (6) The joint committee on legislative organization shall adopt, revise
16 biennially and submit to the cochairpersons of the joint committee on information
17 policy and technology, the governor and the ~~chief information officer~~ administrator
18 of the division of electronic government in the department of administration, no later
19 than September 15 of each even-numbered year, a strategic plan for the utilization
20 of information technology to carry out the functions of the legislature and legislative
21 service agencies, as defined in s. 16.70 (6). The plan shall address the business needs
22 of the legislature and legislative service agencies and shall identify all resources
23 relating to information technology which the legislature and legislative service
24 agencies desire to acquire, contingent upon funding availability, the priority for such

1 acquisitions and the justification for such acquisitions. The plan shall also identify
2 any changes in the functioning of the legislature and legislative service agencies
3 under the plan.

4 **SECTION 10p.** 13.93 (2) (h) of the statutes, as affected by 2001 Wisconsin Act
5 16, is amended to read:

6 13.93 (2) (h) Approve specifications and scheduling for computer databases
7 containing the Wisconsin statutes and for the printing of the Wisconsin statutes as
8 prescribed in ss. ~~22.03~~ 16.971 (6) and 35.56 (5).

9 **SECTION 11m.** 14.20 (1) (a) of the statutes, as affected by 2001 Wisconsin Act
10 16, is amended to read:

11 14.20 (1) (a) “Local governmental unit” has the meaning given in s. ~~22.01~~ 16.97
12 (7).”.

13 **16.** Page 8, line 8: after that line insert:

14 “**SECTION 12e.** 14.46 of the statutes is repealed.

15 **SECTION 12m.** 14.58 (1) (b) of the statutes is repealed.

16 **SECTION 12r.** 14.62 of the statutes is repealed.”.

17 **17.** Page 8, line 21: after that line insert:

18 “**SECTION 13m.** 15.105 (25) of the statutes is repealed.”.

19 **18.** Page 8, line 21: after that line insert:

20 “**SECTION 13g.** 15.07 (1) (cm) of the statutes is amended to read:

21 15.07 (1) (cm) The term of one member of the ethics board shall expire on each
22 May 1. The terms of 3 members of the development finance board appointed under
23 s. 15.155 (1) (a) 6. shall expire on May 1 of every even-numbered year and the terms
24 of the other 3 members appointed under s. 15.155 (1) (a) 6. shall expire on May 1 of

1 every odd-numbered year. The terms of the 3 members of the land and water
2 conservation board appointed under s. ~~15.135~~ 15.345 (4) (b) 2. shall expire on
3 January 1. The term of the member of the land and water conservation board
4 appointed under s. ~~15.135~~ 15.345 (4) (b) 2m. shall expire on May 1 of an
5 even-numbered year. The terms of members of the real estate board shall expire on
6 July 1. The terms of the appraiser members of the real estate appraisers board and
7 the terms of the auctioneer and auction company representative members of the
8 auctioneer board shall expire on May 1 in an even-numbered year.”.

9 **19.** Page 8, line 21: after that line insert:

10 “**SECTION 13m.** 15.01 (4) of the statutes, as affected by 2001 Wisconsin Act 16,
11 is amended to read:

12 15.01 (4) “Council” means a part-time body appointed to function on a
13 continuing basis for the study, and recommendation of solutions and policy
14 alternatives, of the problems arising in a specified functional area of state
15 government, except the Wisconsin land council has the powers specified in s. 16.965
16 (3) and (5) and the powers granted to agencies under ch. 227, the Milwaukee River
17 revitalization council has the powers and duties specified in s. 23.18, the council on
18 physical disabilities has the powers and duties specified in s. 46.29 (1) and (2), the
19 state council on alcohol and other drug abuse has the powers and duties specified in
20 s. 14.24, the Wisconsin tribal-state council has the powers and duties specified in ss.
21 15.107 (18) and 16.025, and, before January 1, 2001, the council on health care fraud
22 and abuse has the powers and duties specified in s. 146.36.”.

23 **20.** Page 8, line 21: after that line insert:

1 “**SECTION 13m.** 15.07 (2) (L) of the statutes, as created by 2001 Wisconsin Act
2 16, is amended to read:

3 15.07 **(2)** (L) The governor shall serve as chairperson of the information
4 technology management board and the ~~chief information officer~~ administrator of the
5 division of electronic government in the department of administration shall serve as
6 secretary of that board.

7 **SECTION 13p.** 15.103 (6) of the statutes is created to read:

8 15.103 **(6)** There is created in the department of administration a division of
9 electronic government.”.

10 **21.** Page 8, line 21: after that line insert:

11 “**SECTION 13c.** 15.04 (2) of the statutes is repealed.

12 **SECTION 13g.** 15.04 (3) of the statutes is repealed.

13 **SECTION 13m.** 15.05 (3) of the statutes is repealed.

14 **SECTION 13p.** 15.05 (5) of the statutes is repealed.

15 **SECTION 13s.** 15.06 (4m) of the statutes is repealed.

16 **SECTION 13w.** 15.06 (9) of the statutes is repealed.”.

17 **22.** Page 10, line 6: after that line insert:

18 “**SECTION 14cg.** 15.135 (4) of the statutes is renumbered 15.345 (4) and 15.345
19 (4) (am), as renumbered, is amended to read:

20 15.345 **(4)** (am) *Creation.* There is created a land and water conservation board
21 which is attached to the department of ~~agriculture, trade and consumer protection~~
22 natural resources under s. 15.03.”.

23 **23.** Page 10, line 6: after that line insert:

24 “**SECTION 14b.** 15.107 (18) of the statutes is created to read:

1 15.107 **(18)** WISCONSIN TRIBAL–STATE COUNCIL. (a) There is created a Wisconsin
2 tribal–state council which is attached to the department of administration under s.
3 15.03.

4 (b) The council shall consist of the following:

5 1. Eleven members, one each of whom shall be appointed by the elected
6 governing body of each of the 11 federally recognized American Indian tribes and
7 bands in this state.

8 2. Three members, appointed by the governor, representing state departments
9 and agencies that have extensive interactions with tribal governments.

10 3. The attorney general or his or her designee.

11 4. The state superintendent of public instruction or his or her designee.

12 5. One member of the senate, appointed by the senate majority leader.

13 6. One member of the senate, appointed by the senate minority leader.

14 7. One member of the assembly, appointed by the speaker of the assembly.

15 8. One member of the assembly, appointed by the assembly minority leader.

16 9. One member, appointed by the governor, representing a county government.

17 10. One member, appointed by the governor, representing a municipal
18 government.

19 (c) The members shall serve at the pleasure of the appointing authorities.

20 (d) At its first meeting in each year, the council shall elect one cochairperson
21 from among the members appointed under par. (b) 1. and one cochairperson from
22 among the members appointed under par. (b) 2. to 10. and may elect a secretary from
23 among its members. The council may not elect a chairperson or vice chairperson.

24 (e) The council shall meet at least quarterly at a location determined by the
25 council or either cochairperson and shall meet at the call of either cochairperson or

1 a majority of its members. The secretary of administration may not require the
2 council to meet and may not determine the council's meeting place. Either or both
3 cochairpersons may preside at a meeting of the council.

4 (f) The council shall appoint an executive director outside the classified service
5 to serve at its pleasure.

6 (g) The council shall perform the functions specified under ss. 15.09 (5) and
7 16.025.”.

8 **24.** Page 10, line 6: after that line insert:

9 “**SECTION 14b.** 15.107 (7) (f) of the statutes, as affected by 2001 Wisconsin Act
10 16, is amended to read:

11 15.107 (7) (f) A representative of the ~~department~~ division of electronic
12 government in the department of administration.”.

13 **25.** Page 10, line 8: after that line insert:

14 “**SECTION 14g.** 15.21 of the statutes, as created by 2001 Wisconsin Act 16, is
15 repealed.

16 **SECTION 14h.** 15.215 (title) of the statutes, as created by 2001 Wisconsin Act
17 16, is repealed.

18 **SECTION 14i.** 15.215 (1) of the statutes, as created by 2001 Wisconsin Act 16,
19 is renumbered 15.105 (27) and amended to read:

20 15.105 (27) INFORMATION TECHNOLOGY MANAGEMENT BOARD. There is created an
21 information technology management board which is attached to the department of
22 ~~electronic government~~ administration under s. 15.03. The board shall consist of the
23 governor, the cochairpersons of the joint committee on information policy and
24 technology or a member of the legislature from the same house as a cochairperson

1 designated by that cochairperson, one member of the minority party in each house
2 of the legislature, appointed in the same manner as members of standing committees
3 are appointed, the secretary of administration, 2 heads of departments or
4 independent agencies appointed to serve at the pleasure of the governor, 2 other
5 members appointed to serve for 4-year terms, and the ~~chief information officer~~
6 administrator of the division of electronic government in the department of
7 administration.”.

8 **26.** Page 10, line 8: after that line insert:

9 “**SECTION 14h.** 15.347 (18) of the statutes is created to read:

10 15.347 **(18)** INVASIVE SPECIES COUNCIL. (a) There is created an invasive species
11 council, attached to the department of natural resources under s. 15.03.

12 (b) The council consists of the following members:

13 1. The secretary of natural resources or his or her designee.

14 2. The secretary of administration or his or her designee.

15 3. The secretary of agriculture, trade and consumer protection or his or her
16 designee.

17 4. The secretary of commerce or his or her designee.

18 5. The secretary of tourism or his or her designee.

19 6. The secretary of transportation or his or her designee.

20 7. Seven other members appointed by the governor to serve 5-year terms.

21 (c) The members appointed under par. (b) 7. shall represent public and private
22 interests that are affected by the presence of invasive species in this state.”.

23 **27.** Page 10, line 13: after that line insert:

24 “**SECTION 14p.** 16.025 of the statutes is created to read:

1 **16.025 Wisconsin tribal–state council. (1)** In this section:

2 (a) “Agency” means any office, department, agency, institution of higher
3 education, association, society, or other body in state government created or
4 authorized to be created by the constitution or any law which is entitled to expend
5 moneys appropriated by law, including the legislature and the courts, but not
6 including an authority.

7 (b) “Authority” means a body created under ch. 231, 232, 233, 234, or 235.

8 **(2)** The Wisconsin tribal–state council shall do all of the following:

9 (a) Facilitate the resolution of disputes, disagreements, and
10 misunderstandings between state government and tribal governments by
11 coordinating communication between the appropriate representatives of the state
12 and tribal governments.

13 (b) Serve as an information clearinghouse regarding state–tribal relations and
14 state programs that affect tribal governments and American Indians.

15 (c) Serve as a resource to agencies, authorities, and the legislature on matters
16 involving state–tribal relations, including providing staff support to task forces or
17 committees.

18 (d) Monitor state executive branch policies and practices that affect tribal
19 governments and American Indians.

20 (e) Develop recommendations for state executive branch policies.

21 (f) Monitor agreements between state government and tribal governments.

22 (g) Support and coordinate communication between agency and authority
23 liaisons who work with tribes, to promote smooth delivery of state services to tribal
24 governments and American Indians and to avoid duplication of effort. The council

1 shall review the adequacy of existing state liaison positions and recommend any
2 changes in the number of liaison positions as it considers necessary.

3 (h) Monitor state legislation that potentially may affect tribal governments or
4 American Indians.

5 (i) Develop recommendations for state legislation.

6 (j) Provide training to state officials and employees concerning the legal status
7 of American Indian tribes and bands, legal and practical aspects of relations between
8 tribal governments and the state and federal governments, and issues affecting
9 state–tribal relations. The council shall provide training to state executive branch
10 officials and employees at least once annually. The council shall provide training to
11 state legislators and legislative employees at least once at the start of each legislative
12 session.

13 (k) In lieu of the report under s. 15.09 (7), submit a biennial report on the
14 council’s activities to the governor, to the special committee on state–tribal relations,
15 and to the chief clerk of each house of the legislature for distribution to the
16 appropriate standing committees under s. 13.172 (3).

17 **(3)** All agencies and authorities shall fully cooperate with and assist the
18 Wisconsin tribal–state council. To that end, a representative of an agency or
19 authority shall, upon request of the council or its executive director, do all of the
20 following:

21 (a) Provide information on program policies, procedures, practices, and
22 services affecting American Indians or tribal governments.

23 (b) Present recommendations to the council.

24 (c) Attend meetings and provide staff assistance needed by the council.

25 (d) Inform the agency or authority of issues concerning the council.”

1 **28.** Page 11, line 1: delete lines 1 and 2.

2 **29.** Page 11, line 2: after that line insert:

3 “**SECTION 17m.** 16.43 of the statutes, as affected by 2001 Wisconsin Act 16, is
4 amended to read:

5 **16.43 Budget compiled.** The secretary shall compile and submit to the
6 governor or the governor–elect and to each person elected to serve in the legislature
7 during the next biennium, not later than November 20 of each even–numbered year,
8 a compilation giving all of the data required by s. 16.46 to be included in the state
9 budget report, except the recommendations of the governor and the explanation
10 thereof. The secretary shall not include in the compilation any provision for the
11 development or implementation of an information technology development project
12 for an executive branch agency that is not consistent with the strategic plan of the
13 agency, as approved under s. ~~22.13~~ 16.976.”

14 **30.** Page 11, line 2: after that line insert:

15 “**SECTION 16g.** 16.519 (4) of the statutes, as created by 2001 Wisconsin Act 16,
16 is amended to read:

17 16.519 (4) If the state has not received in fiscal year 2002–03 at least
18 ~~\$15,345,100~~ \$25,345,100 under the tobacco settlement agreement, because the
19 secretary, under s. 16.63, has sold the state’s right to receive any of the payments
20 under the tobacco settlement agreement, the secretary shall transfer from the
21 general fund to the tobacco control fund an amount equal to ~~\$15,345,100~~ \$25,345,100
22 less any payments received under the tobacco settlement agreement and deposited
23 in the tobacco control fund in that fiscal year.”

24 **31.** Page 11, line 2: after that line insert:

1 **SECTION 17fw.** 16.501 (2) of the statutes is amended to read:

2 16.501 **(2)** Forward Wisconsin, Inc., shall expend funds appropriated under s.
3 20.143 (1) (bm) and (bp) in adherence with the uniform travel schedule amounts
4 approved under s. 20.916 (8). Forward Wisconsin, Inc., may not expend funds
5 appropriated under s. 20.143 (1) (bm) or (bp) on entertainment, foreign travel, or
6 payments to persons not providing goods or services to Forward Wisconsin, Inc., or
7 for other purposes prohibited by contract between Forward Wisconsin, Inc., and the
8 department.

9 **SECTION 17fx.** 16.501 (2) of the statutes, as affected by 2001 Wisconsin Act ...
10 (this act), is amended to read:

11 16.501 **(2)** Forward Wisconsin, Inc., shall expend funds appropriated under s.
12 20.143 (1) (bm) ~~and (bp)~~ in adherence with the uniform travel schedule amounts
13 approved under s. 20.916 (8). Forward Wisconsin, Inc., may not expend funds
14 appropriated under s. 20.143 (1) (bm) ~~or (bp)~~ on entertainment, foreign travel, or
15 payments to persons not providing goods or services to Forward Wisconsin, Inc., or
16 for other purposes prohibited by contract between Forward Wisconsin, Inc., and the
17 department.”.

18 **32.** Page 11, line 2: after that line insert:

19 **SECTION 17c.** 16.518 (3) (a) of the statutes, as created by 2001 Wisconsin Act
20 16, is amended to read:

21 16.518 **(3)** (a) Subject to par. (b), if the amount of moneys projected to be
22 deposited in the general fund during the fiscal year that are designated as “Taxes”
23 in the summary is less than the amount of such moneys actually deposited in the
24 general fund during the fiscal year, the secretary shall annually transfer from the

1 general fund to the budget stabilization fund ~~50%~~ 100% of the amount calculated
2 under sub. (2).”.

3 **33.** Page 11, line 9: after that line insert:

4 “**SECTION 23p.** 19.42 (3m), (4g) and (4r) of the statutes are created to read:

5 19.42 **(3m)** “Candidate,” except as otherwise provided, has the meaning given
6 in s. 11.01 (1).

7 **(4g)** “Clearly identified,” when used in reference to a communication
8 containing a reference to a person, means one of the following:

9 (a) The person’s name appears.

10 (b) A photograph or drawing of the person appears.

11 (c) The identity of the person is apparent by unambiguous reference.

12 **(4r)** “Communication” means a message transmitted by means of a printed
13 advertisement, billboard, handbill, sample ballot, radio or television advertisement,
14 telephone call, or any medium that may be utilized for the purpose of disseminating
15 or broadcasting a message, but not including a poll conducted solely for the purpose
16 of identifying or collecting data concerning the attitudes or preferences of electors.”.

17 **34.** Page 11, line 9: after that line insert:

18 “**SECTION 20r.** 16.70 (3m) of the statutes is amended to read:

19 16.70 **(3m)** “Educational technology” has the meaning given in s. 44.70 ~~(3)~~
20 115.997 (3).

21 **SECTION 20rm.** 16.71 (4) of the statutes, as affected by 2001 Wisconsin Act 16,
22 is amended to read:

23 16.71 **(4)** ~~With the approval of the department of electronic government, the~~
24 The department of administration shall delegate authority to the technology for

1 ~~educational achievement in Wisconsin board~~ department of public instruction to
2 make purchases of educational technology equipment for use by school districts,
3 cooperative educational service agencies and public educational institutions in this
4 state, upon request of the ~~board~~ department of public instruction.

5 **SECTION 20s.** 16.72 (8) of the statutes, as affected by 2001 Wisconsin Act 16,
6 is amended to read:

7 16.72 **(8)** The department may purchase educational technology materials,
8 supplies, equipment or contractual services from orders placed with the department
9 by the ~~technology for educational achievement in Wisconsin board~~ department of
10 public instruction on behalf of school districts, cooperative educational service
11 agencies, technical college districts and the board of regents of the University of
12 Wisconsin System.

13 **SECTION 23m.** 16.974 (1) to (4) of the statutes, as affected by 2001 Wisconsin
14 Act 16, are renumbered 16.971 (13) to (16) and amended to read:

15 16.974 **(13)** Coordinate with the ~~technology for educational achievement in~~
16 ~~Wisconsin board~~ department of public instruction to provide secured correctional
17 facilities, as defined in s. ~~44.70 (3r)~~ 115.997 (3r), school districts and cooperative
18 educational service agencies with telecommunications access under s. ~~44.73~~
19 115.9995 and contract with telecommunications providers to provide such access.

20 **(14)** ~~Subject to s. 44.73 (5), coordinate~~ Coordinate with the ~~technology for~~
21 ~~educational achievement in Wisconsin board~~ department of public instruction to
22 provide private colleges, technical college districts, public library boards and public
23 library systems with telecommunications access under s. ~~44.73~~ 115.9995 and
24 contract with telecommunications providers to provide such access.

1 **(15)** Coordinate with the ~~technology for educational achievement in Wisconsin~~
2 ~~board~~ department of public instruction to provide private schools with
3 telecommunications access under s. 44.73 115.9995 and contract with
4 telecommunications providers to provide such access.

5 **(16)** Coordinate with the ~~technology for educational achievement in Wisconsin~~
6 ~~board~~ department of public instruction to provide the Wisconsin Center for the Blind
7 and Visually Impaired and the Wisconsin School for the Deaf with
8 telecommunications access under s. 44.73 115.9995 and contract with
9 telecommunications providers to provide such access.”.

10 **35.** Page 11, line 9: after that line insert:

11 “**SECTION 20p.** 16.85 (10m) of the statutes is created to read:

12 **16.85 (10m)** To investigate the potential to incorporate and use distributed
13 generation units in any state building project that is expected to involve an
14 expenditure of \$5,000,000 or more in connection with the planning process for the
15 long-range state building program under sub. (10). In conducting its investigation,
16 the department shall consider the cost effectiveness of such use, the potential for
17 such use to increase statewide power generation capacity, and the potential for cost
18 savings to be realized by the state from such use. The department shall report the
19 results of its investigation, together with its recommendations and the reasons
20 therefor, to the building commission prior to consideration of the project by the
21 commission. In this subsection, “distributed generation unit” means any form of
22 energy generation that may be used by electric consumers for the generation of
23 electric power.”.

24 **36.** Page 11, line 9: after that line insert:

1 **SECTION 20n.** 16.61 (2) (af) of the statutes, as affected by 2001 Wisconsin Act
2 16, is amended to read:

3 16.61 **(2)** (af) “Form” has the meaning specified in s. ~~22.04~~ 16.97 (5p).

4 **SECTION 20p.** 16.61 (3n) of the statutes, as affected by 2001 Wisconsin Act 16,
5 is amended to read:

6 16.61 **(3n)** EXEMPT FORMS. The board may not receive or investigate complaints
7 about the forms specified in s. ~~22.03~~ 16.971 (2m).

8 **SECTION 20q.** 16.70 (4m) of the statutes, as created by 2001 Wisconsin Act 16,
9 is amended to read:

10 16.70 **(4m)** “Information technology” has the meaning given in s. ~~22.04~~ 16.97
11 (6).

12 **SECTION 20r.** 16.70 (15) of the statutes, as created by 2001 Wisconsin Act 16,
13 is amended to read:

14 16.70 **(15)** “Telecommunications” has the meaning given in s. ~~22.04~~ 16.97 (10).

15 **SECTION 20s.** 16.71 (1m) of the statutes, as created by 2001 Wisconsin Act 16,
16 is amended to read:

17 16.71 **(1m)** The department shall not delegate to any executive branch agency,
18 other than the board of regents of the University of Wisconsin System, the authority
19 to enter into any contract for materials, supplies, equipment, or contractual services
20 relating to information technology or telecommunications prior to review and
21 approval of the contract by the ~~chief information officer~~ administrator of the division
22 of electronic government. No executive branch agency, other than the board of
23 regents of the University of Wisconsin System, may enter into any such contract
24 without review and approval of the contract by the ~~chief information officer~~
25 administrator of the division of electronic government.

1 **SECTION 20sd.** 16.71 (2m) of the statutes, as created by 2001 Wisconsin Act 16,
2 is repealed.

3 **SECTION 20t.** 16.72 (2) (a) of the statutes, as affected by 2001 Wisconsin Act 16,
4 is amended to read:

5 16.72 (2) (a) The department of ~~administration~~ shall prepare standard
6 specifications, as far as possible, for all state purchases. By “standard specifications”
7 is meant a specification, either chemical or physical or both, prepared to describe in
8 detail the article which the state desires to purchase, and trade names shall not be
9 used. On the formulation, adoption and modification of any standard specifications,
10 the department of administration shall also seek and be accorded without cost, the
11 assistance, advice and cooperation of other agencies and officers. Each specification
12 adopted for any commodity shall, insofar as possible, satisfy the requirements of any
13 and all agencies which use it in common. Any specifications for the purchase of
14 materials, supplies, equipment, or contractual services for information technology
15 or telecommunications purposes are subject to the approval of the chief information
16 ~~officer~~ administrator of the division of electronic government.

17 **SECTION 20tf.** 16.72 (2) (b) of the statutes, as affected by 2001 Wisconsin Act
18 16, is amended to read:

19 16.72 (2) (b) Except as provided in ~~par. (a) and~~ ss. 16.25 (4) (b), 16.751 and
20 565.25 (2) (a) 4., the department shall prepare or review specifications for all
21 materials, supplies, equipment, other permanent personal property and contractual
22 services not purchased under standard specifications. Such “nonstandard
23 specifications” may be generic or performance specifications, or both, prepared to
24 describe in detail the article which the state desires to purchase either by its physical
25 properties or programmatic utility. When appropriate for such nonstandard items

1 or services, trade names may be used to identify what the state requires, but
2 wherever possible 2 or more trade names shall be designated and the trade name of
3 any Wisconsin producer, distributor or supplier shall appear first.

4 **SECTION 20tm.** 16.72 (4) (a) of the statutes, as affected by 2001 Wisconsin Act
5 16, is amended to read:

6 16.72 (4) (a) Except as provided in ~~ss. 16.71 and s.~~ 16.74 or as otherwise
7 provided in this subchapter and the rules promulgated under s. 16.74 and this
8 subchapter, all supplies, materials, equipment and contractual services shall be
9 purchased for and furnished to any agency only upon requisition to the department.
10 The department shall prescribe the form, contents, number and disposition of
11 requisitions and shall promulgate rules as to time and manner of submitting such
12 requisitions for processing. No agency or officer may engage any person to perform
13 contractual services without the specific prior approval of the department for each
14 such engagement. Purchases of supplies, materials, equipment or contractual
15 services by the department of electronic government, the legislature, the courts or
16 legislative service or judicial branch agencies do not require approval under this
17 paragraph.

18 **SECTION 20ts.** 16.75 (3t) (a) of the statutes, as affected by 2001 Wisconsin Act
19 16, is amended to read:

20 16.75 (3t) (a) In this subsection, “form” has the meaning given under s. ~~22.01~~
21 16.97 (5p).

22 **SECTION 20u.** 16.75 (6) (am) of the statutes, as affected by 2001 Wisconsin Act
23 16, is amended to read:

24 16.75 (6) (am) Subsections (1) and (3t) do not apply to procurements by the
25 department division of electronic government. Annually not later than October 1,

1 the ~~department~~ division of electronic government shall report to the ~~department of~~
2 ~~administration~~ secretary, in the form specified by the secretary, concerning all
3 procurements by the ~~department of electronic government~~ division during the
4 preceding fiscal year that were not made in accordance with the requirements of
5 subs. (1) and (3t).

6 **SECTION 20uc.** 16.752 (12) (i) of the statutes, as affected by 2001 Wisconsin Act
7 16, is amended to read:

8 16.752 (12) (i) Paragraph (a) does not apply to procurements by the ~~department~~
9 division of electronic government.

10 **SECTION 20uL.** 16.78 of the statutes, as affected by 2001 Wisconsin Act 16, is
11 amended to read:

12 **16.78 Purchases from ~~department~~ division of electronic government.**

13 **(1)** Every agency other than the board of regents of the University of Wisconsin
14 System ~~and or~~ or an agency making purchases under s. 16.74 shall make all
15 purchases of materials, supplies, equipment, and contractual services relating to
16 information technology or telecommunications from the ~~department~~ division of
17 electronic government, unless the ~~department~~ division of electronic government
18 requires the agency to purchase the materials, supplies, equipment, or contractual
19 services pursuant to a master contract established under s. ~~22.05~~ 16.972 (2) (h), or
20 grants written authorization to the agency to procure the materials, supplies,
21 equipment, or contractual services under s. 16.75 (1) or (2m), to purchase the
22 materials, supplies, equipment, or contractual services from another agency or to
23 provide the materials, supplies, equipment, or contractual services to itself. The
24 board of regents of the University of Wisconsin System may make purchases of
25 materials, supplies, equipment, and contractual services relating to information

1 technology or telecommunications from the department division of electronic
2 government.

3 (2) Sections 16.705 to 16.767 and 16.77 (1) do not apply to the purchase of
4 materials, supplies, equipment, or contractual services by any agency from the
5 department division of electronic government under sub. (1).

6 SECTION 23c. Subchapter VII (title) of chapter 16 [precedes s. 16.97] of the
7 statutes, as affected by 2001 Wisconsin Act 16, is amended to read:

8 CHAPTER 16

9 SUBCHAPTER VII

10 EDUCATIONAL TECHNOLOGY

11 ELECTRONIC GOVERNMENT

12 SECTION 23d. 16.97 of the statutes, as affected by 2001 Wisconsin Act 16, is
13 repealed and recreated to read:

14 16.97 Definitions. In this subchapter:

15 (1) “Administrator” means the administrator of the division.

16 (5) “Division” means the division of electronic government.

17 SECTION 23f. 16.974 (intro.) of the statutes, as affected by 2001 Wisconsin Act
18 16, is repealed.

19 SECTION 23h. 19.36 (4) of the statutes, as affected by 2001 Wisconsin Act 16,
20 is amended to read:

21 19.36 (4) COMPUTER PROGRAMS AND DATA. A computer program, as defined in s.
22 ~~22.03~~ 16.971 (4) (c), is not subject to examination or copying under s. 19.35 (1), but
23 the material used as input for a computer program or the material produced as a
24 product of the computer program is subject to the right of examination and copying,
25 except as otherwise provided in s. 19.35 or this section.”.

1 **37.** Page 11, line 9: after that line insert:

2 “**SECTION 21r.** 17.025 (4) (c) of the statutes is amended to read:

3 17.025 **(4)** (c) *Secretary of state; state treasurer.* When the temporary vacancy
4 exists in the office of secretary of state or in the office of state treasurer, the duties
5 of the office shall be assumed, respectively, by the first emergency interim successor
6 designated under s. 166.08 (4) or, if no such designation has been made for the
7 respective office, then by ~~a deputy~~ an individual appointed by the governor.

8 **SECTION 21t.** 17.025 (4) (d) of the statutes is amended to read:

9 17.025 **(4)** (d) *Attorney general; state superintendent.* When the temporary
10 vacancy exists in the office of attorney general or in the office of state superintendent
11 of public instruction, the duties of the office shall be assumed, ~~respectively, by the~~
12 ~~deputy under s. 15.04 (2) or, if such office is vacant, by a deputy~~ by an individual
13 appointed by the governor.

14 **SECTION 23c.** 19.01 (4) (a) 10. of the statutes is repealed.

15 **SECTION 23h.** 19.42 (10) (L) of the statutes is amended to read:

16 19.42 **(10)** (L) The executive director, ~~executive assistant to the executive~~
17 ~~director,~~ internal auditor, chief investment officer, chief financial officer, chief legal
18 counsel, chief risk officer and investment directors of the investment board.”.

19 **38.** Page 11, line 9: after that line insert:

20 “**SECTION 20r.** 16.705 (2m) of the statutes is created to read:

21 16.705 **(2m)** The department shall review each proposed contract for
22 contractual services that provides for expenditure of more than \$150,000 or which
23 the department estimates will result in expenditure of more than \$150,000 to
24 determine whether the expenditures to be made under the contract will be efficient

1 and cost-effective. The secretary shall file a report with the cochairpersons of the
2 joint committee on finance no later than March 1 of each odd-numbered year
3 concerning its determinations issued during the biennium ending on the preceding
4 December 31.”.

5 **SECTION 20t.** 16.71 (1) of the statutes, as affected by 2001 Wisconsin Act 16, is
6 amended to read:

7 16.71 (1) Except as otherwise required under this section and s. 16.78 or as
8 authorized in s. 16.74, the department shall purchase and may delegate to special
9 designated agents the authority to purchase all necessary materials, supplies,
10 equipment, all other permanent personal property and miscellaneous capital, and
11 contractual services and all other expense of a consumable nature for all agencies.
12 In making any delegation, the department shall require the agent to adhere to all
13 requirements imposed upon the department in making purchases under this
14 subchapter. No delegation has the effect of exempting any proposed contract for
15 contractual services from review under s. 16.705. All materials, services and other
16 things and expense furnished to any agency and interest paid under s. 16.528 shall
17 be charged to the proper appropriation of the agency to which furnished.”.

18 **39.** Page 11, line 15: after that line insert:

19 “**SECTION 24t.** 19.42 (13) (k) of the statutes is amended to read:

20 19.42 (13) (k) The executive director, ~~executive assistant to the executive~~
21 ~~director~~, internal auditor, chief investment officer, chief financial officer, chief legal
22 counsel, chief risk officer and investment directors of the investment board.”.

23 **40.** Page 11, line 18: after that line insert:

24 “**SECTION 25cb.** 19.45 (13) of the statutes is created to read:

1 19.45 (13) No state public official holding an elective office may, directly or by
2 means of an agent, give, or offer or promise to give, or withhold, or offer or promise
3 to withhold, his or her vote or influence, or promise to take or refrain from taking
4 official action with respect to any proposed or pending matter in consideration of, or
5 upon condition that, any other person make or refrain from making a political
6 contribution, or provide or refrain from providing any service or other thing of value,
7 to or for the benefit of a candidate, a political party, any other person who is subject
8 to a registration requirement under s. 11.05, or any person making a communication
9 that contains a reference to a clearly identified state public official holding an
10 elective office or to a candidate for state public office.

11 **SECTION 25cd.** 19.49 (1m) of the statutes is created to read:

12 19.49 (1m) No complaint alleging a violation of s. 19.45 (13) may be filed during
13 the period beginning 120 days before a general or spring election, or during the
14 period commencing on the date of the order of a special election under s. 8.50, and
15 ending on the date of that election, against a candidate who files a declaration of
16 candidacy to have his or her name appear on the ballot at that election.

17 **SECTION 25cf.** 19.49 (5) of the statutes is renumbered 19.49 (5) (a) and amended
18 to read:

19 19.49 (5) (a) ~~No~~ Except as provided in par. (b), no action may be taken on any
20 complaint which that is filed later than 3 years after a violation of this subchapter
21 or subch. III of ch. 13 is alleged to have occurred.

22 **SECTION 25ch.** 19.49 (5) (b) of the statutes is created to read:

23 19.49 (5) (b) The period of limitation under par. (a) is tolled for a complaint
24 alleging a violation of s. 19.45 (13) or 19.59 (1) (br) for the period during which such
25 a complaint may not be filed under s. 19.49 (1m) or 19.59 (8) (cm).

1 **SECTION 25cj.** 19.53 (6) of the statutes is amended to read:

2 19.53 **(6)** An order requiring the accused to forfeit not more than \$500 for each
3 violation of s. 19.43, 19.44, or 19.56 (2) or not more than \$5,000 for each violation of
4 any other provision of this subchapter, or not more than the applicable amount
5 specified in s. 13.69 for each violation of subch. III of ch. 13; ~~and, if,~~ If the board
6 determines that the accused has realized economic gain as a result of the violation,
7 an the board may, in addition, order requiring the accused to forfeit the amount
8 gained as a result of the violation. In addition, if the board determines that a state
9 public official has violated s. 19.45 (13), the board may order the official to forfeit an
10 amount equal to the amount or value of any political contribution, service, or other
11 thing of value that was wrongfully obtained. If the board determines that a state
12 public official has violated s. 19.45 (13) and no political contribution, service or other
13 thing of value was obtained, the board may order the official to forfeit an amount
14 equal to the maximum contribution authorized under s. 11.26 (1) for the office held
15 or sought by the official, whichever amount is greater. The attorney general, when
16 so requested by the board, shall institute proceedings to recover any forfeiture
17 incurred under this section or s. 19.545 which is not paid by the person against whom
18 it is assessed.

19 **SECTION 25cL.** 19.535 of the statutes is created to read:

20 **19.535 Direct enforcement.** If the board refuses or otherwise fails to
21 authorize an investigation under s. 19.49 (3) with respect to a violation of s. 19.45 (13)
22 within 30 days after receiving a verified complaint alleging a violation of s. 19.45 (13),
23 the person making the complaint may bring an action to recover the forfeiture under
24 s. 19.53 (6) on his or her relation in the name, and on behalf, of the state. In such
25 actions, the court may award actual and necessary costs of prosecution, including

1 reasonable attorney fees, to the relator if he or she prevails, but any forfeiture
2 recovered shall be paid to the state. If the court finds in any such action that the
3 cause of action was frivolous as provided in s. 814.025, the court shall award costs
4 and fees to the defendant under that section.

5 **SECTION 25cn.** 19.59 (1) (br) of the statutes is created to read:

6 19.59 (1) (br) No local public official holding an elective office may, directly or
7 by means of an agent, give, or offer or promise to give, or withhold, or offer or promise
8 to withhold, his or her vote or influence, or promise to take or refrain from taking
9 official action with respect to any proposed or pending matter in consideration of, or
10 upon condition that, any other person make or refrain from making a political
11 contribution, or provide or refrain from providing any service or other thing of value,
12 to or for the benefit of a candidate, a political party, any other person who is subject
13 to a registration requirement under s. 11.05, or any person making a communication
14 that contains a reference to a clearly identified local public official holding an elective
15 office or to a candidate for local public office.

16 **SECTION 25cp.** 19.59 (7) of the statutes is renumbered 19.59 (7) (a) and
17 amended to read:

18 19.59 (7) (a) Any person who violates sub. (1) may be required to forfeit not
19 more than \$1,000 for each violation, and, if the court determines that the accused has
20 violated sub. (1) (br), the court may, in addition, order the accused to forfeit an
21 amount equal to the amount or value of any political contribution, service, or other
22 thing of value that was wrongfully obtained.

23 **SECTION 25cr.** 19.59 (7) (b) of the statutes is created to read:

24 19.59 (7) (b) Any person who violates sub. (1) may be required to forfeit not
25 more than \$1,000 for each violation, and, if the court determines that a local public

1 official has violated sub. (1) (br) and no political contribution, service or other thing
2 of value was obtained, the court may, in addition, order the accused to forfeit an
3 amount equal to the maximum contribution authorized under s. 11.26 (1) for the
4 office held or sought by the official, whichever amount is greater.

5 **SECTION 25ct.** 19.59 (8) (c) of the statutes is amended to read:

6 19.59 (8) (c) If the district attorney fails to commence an action to enforce sub.
7 (1) (a), (b), or (c) to (g) within 20 days after receiving a verified complaint or if the
8 district attorney refuses to commence such an action, the person making the
9 complaint may petition the attorney general to act upon the complaint. The attorney
10 general may then bring an action under par. (a) or (b), or both.

11 **SECTION 25cv.** 19.59 (8) (cm) and (cn) of the statutes are created to read:

12 19.59 (8) (cm) No complaint alleging a violation of sub. (1) (br) may be filed
13 during the period beginning 120 days before a general or spring election, or during
14 the period commencing on the date of the order of a special election under s. 8.50, and
15 ending on the date of that election, against a candidate who files a declaration of
16 candidacy to have his or her name appear on the ballot at that election.

17 (cn) If the district attorney refuses or otherwise fails to commence an action to
18 enforce sub. (1) (br) within 30 days after receiving a verified complaint alleging a
19 violation of sub. (1) (br), the person making the complaint may bring an action to
20 recover the forfeiture under sub. (7) on his or her relation in the name, and on behalf,
21 of the state. In such actions, the court may award actual and necessary costs of
22 prosecution, including reasonable attorney fees, to the relator if her or she prevails,
23 but any forfeiture recovered shall be paid to the state. If the court finds in any such
24 action that the cause of action was frivolous as provided in s. 814.025, the court shall
25 award costs and fees to the defendant under that section.”.

1 **“20.455 Justice, department of**

2 (2) LAW ENFORCEMENT SERVICES

3 (cr) Automated fingerprint identifi-

4 cation system grant GPR A –0– 63,200”.

5 **52.** Page 12, line 10: after that line insert:

6 **“20.455 Justice, department of**

7 (1) LEGAL AND REGULATORY SERVICES

8 (g) Consumer protection, informa-

9 tion, and education PR A 175,000 175,000”.

10 **53.** Page 12, line 15: after that line insert:

11 “(1) SUPERVISION AND MANAGEMENT; LAND INFORMATION

12 BOARD

13 (is) Information technology and tele-

14 communications services; non-

15 state entities PR A –0– 12,666,600

16 (it) Electric communications ser-

17 vices; nonstate entities PR A –0– –0–

18 (kg) Electronic communications ser-

19 vices; state agencies PR–S A –0– –0–

1	(kL) Printing, mail processing, and					
2	information technology process-					
3	ing services to agencies	PR-S	A	-0-	72,235,000	
4	(kr) Information technology develop-					
5	ment and management services	PR-S	A	-0-	-0-	”.

6 **54.** Page 12, line 17: after that line insert:

7	“(kt) Wisconsin tribal-state council	PR-S	A	-0-	214,300”.	
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8 **55.** Page 12, line 20: after that line insert:

9 **“20.566 Revenue, department of**

10 (1) COLLECTION OF TAXES

11	(gc) Administration of cigarette					
12	direct marketing permits	PR	A	-0-	126,600”.	

13 **56.** Page 12, line 20: after that line insert:

14 **“20.515 Employee trust funds, department of**

15 (1) EMPLOYEE BENEFIT PLANS

16	(vm) Early retirement benefits under					
17	2001 Wisconsin Act (this act)	SEG	B	1,075,000	1,075,000”.	

18 **57.** Page 13, line 10: after that line insert:

19 **“SECTION 27hc.** 20.115 (2) (j) of the statutes is amended to read:

20 20.115 (2) (j) *Dog licenses, rabies control, and related services.* The amounts
21 in the schedule to provide dog license tags and forms under s. 174.07 (2), to perform
22 other program responsibilities under ch. 174, to administer the rabies control
23 program under s. 95.21, to help administer the rabies control media campaign, and

1 to carry out humane activities under s. 93.07 (11) and ch. 173. All moneys received
2 under ss. 95.21 (9) (c), 173.27, and 174.09 (1) and (3) shall be credited to this
3 appropriation.

4 **SECTION 27hd.** 20.115 (2) (j) of the statutes, as affected by 2001 Wisconsin Acts
5 16 and (this act), is repealed and recreated to read:

6 20.115 (2) (j) *Dog licenses, rabies control, and related services.* All moneys
7 received under ss. 95.21 (9) (c), 173.27, 173.40, and 174.09 (1) and (3), to provide dog
8 license tags and forms under s. 174.07 (2), to perform other program responsibilities
9 under ch. 174, to administer the rabies control program under s. 95.21, to help
10 administer the rabies control media campaign, and to carry out activities under s.
11 93.07 (11) and ch. 173.”.

12 **58.** Page 13, line 10: after that line insert:

13 “**SECTION 27c.** 20.115 (1) (d) of the statutes, as affected by 2001 Wisconsin Act
14 16, is repealed.

15 **SECTION 27e.** 20.115 (1) (k) of the statutes, as created by 2001 Wisconsin Act
16 16, is repealed.”.

17 **59.** Page 13, line 10: after that line insert:

18 “**SECTION 27m.** 20.115 (1) (hm) of the statutes is amended to read:

19 20.115 (1) (hm) *Ozone-depleting refrigerants and products regulation.* The
20 amounts in the schedule for administration of the mobile air conditioner servicing
21 and refrigerant recycling programs and for responsibilities under ss. s. 100.45 and
22 ~~100.50~~ relating to sales and labeling of products containing or made with
23 ozone-depleting substances. All moneys received from fees under s. 100.45 (5) (a)
24 3. and (5m) shall be credited to this appropriation.”.

1 **60.** Page 13, line 11: after that line insert:

2 “**SECTION 28j.** 20.115 (7) (b) of the statutes is renumbered 20.370 (7) (bb).

3 **SECTION 28jg.** 20.115 (7) (c) of the statutes is renumbered 20.370 (6) (ac).

4 **SECTION 28km.** 20.115 (7) (d) of the statutes, as affected by 2001 Wisconsin Act
5 16, is renumbered 20.370 (6) (dd).

6 **SECTION 28ks.** 20.115 (7) (f) of the statutes is renumbered 20.370 (7) (df).

7 **SECTION 28ku.** 20.115 (7) (g) of the statutes is amended to read:

8 20.115 (7) (g) *Agricultural impact statements.* All moneys received by the
9 department under s. 32.035 from the preparation of agricultural impact statements,
10 except moneys appropriated under s. 20.370 (4) (cg), for general program operations.

11 **SECTION 28L.** 20.115 (7) (qd) of the statutes is repealed.”.

12 **61.** Page 13, line 11: after that line insert:

13 “**SECTION 28n.** 20.143 (1) (a) of the statutes is amended to read:

14 20.143 (1) (a) *General program operations.* The amounts in the schedule for
15 general program operations under subchs. I and III to VIII of ch. 560, excluding
16 general program operations of the division of international and export services.”.

17 **62.** Page 13, line 11: after that line insert:

18 “**SECTION 28m.** 20.115 (8) (jm) of the statutes is repealed.”.

19 **63.** Page 13, line 11: after that line insert:

20 “**SECTION 28fw.** 20.143 (1) (bp) of the statutes is created to read:

21 20.143 (1) (bp) *Forward Wisconsin, Inc.; study for brand image.* The amounts
22 in the schedule to contract for the study and proposal for a national brand image
23 specified in 2001 Wisconsin Act ... (this act), section 9110 (1c).

1 **SECTION 28fx.** 20.143 (1) (bp) of the statutes, as created by 2001 Wisconsin Act
2 (this act), is repealed.”.

3 **64.** Page 13, line 11: delete that line.

4 **65.** Page 13, line 12: after that line insert:

5 “**SECTION 29n.** 20.143 (1) (g) of the statutes is amended to read:

6 20.143 (1) (g) *Gifts, grants, and proceeds.* All moneys received from gifts,
7 donations, grants, bequests, and devises and all proceeds from services, conferences,
8 and sales of publications and promotional materials, including the fees collected
9 under s. 560.165 (1), to carry out the purposes for which made or collected, including
10 providing funding for the operations of the division of international and export
11 services.”.

12 **66.** Page 13, line 13: after that line insert:

13 “**SECTION 30e.** 20.225 (1) (kb) of the statutes, as affected by 2001 Wisconsin Act
14 16, is amended to read:

15 20.225 (1) (kb) *Emergency weather warning system operation.* From the
16 moneys received by the department of ~~electronic government~~ administration for the
17 provision of state telecommunications to state agencies, the amounts in the schedule
18 for the operation of the emergency weather warning system under s. 39.11 (21).”.

19 **67.** Page 13, line 13: after that line insert:

20 “**SECTION 30hL.** 20.235 (1) (fe) of the statutes is amended to read:

21 20.235 (1) (fe) *Wisconsin higher education grants; University of Wisconsin*
22 *System students.* ~~Biennially, the amounts in the schedule A~~ sum sufficient equal to
23 the amount determined under s. 39.435 (7) for the Wisconsin higher education grant

1 program under s. 39.435 for University of Wisconsin System students, except for
2 grants awarded under s. 39.435 (2) or (5).”.

3 **68.** Page 13, line 13: after that line insert:

4 “**SECTION 30d.** 20.215 (1) (cm) of the statutes is created to read:

5 20.215 (1) (cm) *Milwaukee Art Museum*. The amounts in the schedule for the
6 exhibitions under 2001 Wisconsin Act ... (this act), section 9105 (1) (c). No moneys
7 may be encumbered or expended from this appropriation account after June 20,
8 2003.”.

9 **69.** Page 14, line 3: delete “\$4,200,945,900” and substitute “\$4,189,145,900”.

10 **70.** Page 14, line 6: after that line insert:

11 “**SECTION 32mm.** 20.275 (intro.) of the statutes is repealed.

12 **SECTION 32msm.** 20.275 (1) (title) of the statutes is renumbered 20.255 (4)
13 (title).

14 **SECTION 32mr.** 20.275 (1) (a) of the statutes is repealed.

15 **SECTION 32ms.** 20.275 (1) (d) of the statutes is repealed.

16 **SECTION 32mt.** 20.275 (1) (er) of the statutes is renumbered 20.255 (4) (er) and
17 amended to read:

18 20.255 (4) (er) *Principal, interest and rebates; general purpose revenue —*
19 *public library boards*. A sum sufficient to reimburse s. 20.866 (1) (u) for the payment
20 of principal and interest costs incurred in financing educational technology
21 infrastructure financial assistance to public library boards under s. 44.72 (4) 115.999
22 (4) and to make full payment of the amounts determined by the building commission
23 under s. 13.488 (1) (m), to the extent that these costs and payments are not paid
24 under par. (hb).

1 **SECTION 32mu.** 20.275 (1) (es) of the statutes, as affected by 2001 Wisconsin
2 Act 16, is renumbered 20.255 (4) (es) and amended to read:

3 20.255 (4) (es) *Principal, interest and rebates; general purpose revenue —*
4 *schools.* A sum sufficient to reimburse s. 20.866 (1) (u) for the payment of principal
5 and interest costs incurred in financing educational technology infrastructure
6 financial assistance to school districts and charter school sponsors under s. ~~44.72 (4)~~
7 115.999 (4) and to make full payment of the amounts determined by the building
8 commission under s. 13.488 (1) (m), to the extent that these costs and payments are
9 not paid under par. (h).

10 **SECTION 32mv.** 20.275 (1) (et) of the statutes, as affected by 2001 Wisconsin Act
11 16, is renumbered 20.255 (4) (et) and amended to read:

12 20.255 (4) (et) *Educational technology training and technical assistance*
13 *grants.* Biennially, the amounts in the schedule for grants to secured correctional
14 facilities, as defined in s. ~~44.70 (3r)~~ 115.997 (3r), cooperative educational service
15 agencies and consortia under s. ~~44.72 (1)~~ 115.999 (1) and to the board of regents of
16 the University of Wisconsin System under 1999 Wisconsin Act 9, section 9148 (2g).

17 **SECTION 32mw.** 20.275 (1) (f) of the statutes, as affected by 2001 Wisconsin Act
18 16, is renumbered 20.255 (4) (f) and amended to read:

19 20.255 (4) (f) *Educational technology block grants.* The amounts in the
20 schedule, less the amounts appropriated under pars. (im), (jm), (js), and (mp), to
21 make payments to school districts, secured correctional facilities, as defined in s.
22 ~~44.70 (3r)~~ 115.997 (3r), and charter school sponsors under s. ~~44.72 (2) (b) 2.~~ 115.999
23 (2) (b) 2.

24 **SECTION 32mwm.** 20.275 (1) (g) of the statutes is renumbered 20.255 (4) (g).

1 **SECTION 32mx.** 20.275 (1) (h) of the statutes, as affected by 2001 Wisconsin Act
2 16, is renumbered 20.255 (4) (h) and amended to read:

3 20.255 (4) (h) *Principal, interest and rebates; program revenue — schools.* All
4 moneys received under s. ~~44.72 (4) (c)~~ 115.999 (4) (c) to reimburse s. 20.866 (1) (u) for
5 the payment of principal and interest costs incurred in financing educational
6 technology infrastructure financial assistance to school districts and charter school
7 sponsors under s. ~~44.72 (4)~~ 115.999 (4) and to make full payment of the amounts
8 determined by the building commission under s. 13.488 (1) (m).

9 **SECTION 32n.** 20.275 (1) (hb) of the statutes is renumbered 20.255 (4) (hb) and
10 amended to read:

11 20.255 (4) (hb) *Principal, interest and rebates; program revenue — public*
12 *library boards.* All moneys received under s. ~~44.72 (4) (c)~~ 115.999 (4) (c) to reimburse
13 s. 20.866 (1) (u) for the payment of principal and interest costs incurred in financing
14 educational technology infrastructure financial assistance to public library boards
15 under s. ~~44.72 (4)~~ 115.999 (4) and to make full payment of the amounts determined
16 by the building commission under s. 13.488 (1) (m).

17 **SECTION 32nd.** 20.275 (1) (i) of the statutes, as created by 2001 Wisconsin Act
18 16, is renumbered 20.255 (4) (i).

19 **SECTION 32nm.** 20.275 (1) (im) of the statutes, as created by 2001 Wisconsin
20 Act 16, is renumbered 20.255 (4) (im) and amended to read:

21 20.255 (4) (im) *Educational technology block grants; supplemental.* Except as
22 provided in par. (i), all moneys received from the Ameritech Wisconsin settlement,
23 public service commission docket 6720–TI–164, for payments to school districts
24 under s. ~~44.72 (2) (b) 2.~~ 115.999 (2) (b) 2.

1 **SECTION 32np.** 20.275 (1) (jm) of the statutes, as created by 2001 Wisconsin Act
2 16, is renumbered 20.255 (4) (jm) and amended to read:

3 20.255 (4) (jm) *Educational technology block grants; Wisconsin Advanced*
4 *Telecommunications Foundation funds.* All moneys received from the Wisconsin
5 Advanced Telecommunications Foundation, less the amounts credited to the
6 appropriation account under s. 20.865 (4) (gm), to make payments to school districts,
7 secured correctional facilities, as defined in s. ~~44.70 (3r)~~ 115.997 (3r), and charter
8 school sponsors under s. ~~44.72 (2) (b) 2.~~ 115.999 (2) (b) 2.

9 **SECTION 32ns.** 20.275 (1) (js) of the statutes, as created by 2001 Wisconsin Act
10 16, is renumbered 20.255 (4) (js) and amended to read:

11 20.255 (4) (js) *Educational technology block grants; Wisconsin Advanced*
12 *Telecommunications Foundation assessments.* All moneys received from
13 assessments paid under 2001 Wisconsin Act 16, section 9142 (3mk), to make
14 payments to school districts under s. ~~44.72 (2) (b) 2.~~ 115.999 (2) (b) 2.

15 **SECTION 32nt.** 20.275 (1) (k) of the statutes, as created by 2001 Wisconsin Act
16 16, is renumbered 20.255 (4) (k).

17 **SECTION 32nu.** 20.275 (1) (L) of the statutes, as affected by 2001 Wisconsin Act
18 16, is renumbered 20.255 (4) (L) and amended to read:

19 20.255 (4) (L) *Equipment purchases and leases.* All moneys received from
20 school districts, cooperative educational service agencies and public educational
21 institutions for the purchase or lease of educational technology equipment under s.
22 ~~44.71 (2) (h)~~ 115.998 (8), for the purpose of purchasing such equipment.

23 **SECTION 32num.** 20.275 (1) (m) of the statutes, as affected by 2001 Wisconsin
24 Act 16, is renumbered 20.255 (4) (m).

1 **SECTION 32nv.** 20.275 (1) (mp) of the statutes, as created by 2001 Wisconsin Act
2 16, is renumbered 20.255 (4) (mp) and amended to read:

3 20.255 (4) (mp) *Federal e-rate aid.* All federal moneys received under 47 USC
4 254 for payments to school districts under s. ~~44.72 (2) (b) 2.~~ 115.999 (2) (b) 2.

5 **SECTION 32nw.** 20.275 (1) (q) of the statutes, as created by 2001 Wisconsin Act
6 16, is renumbered 20.255 (4) (q) and amended to read:

7 20.255 (4) (q) *Computer training.* From the universal service fund, the
8 amounts in the schedule for the grant to the Racine Unified School District under s.
9 ~~44.72 (3)~~ 115.999 (3).

10 **SECTION 32nx.** 20.275 (1) (s) of the statutes, as affected by 2001 Wisconsin Act
11 16, is renumbered 20.255 (4) (s) and amended to read:

12 20.255 (4) (s) *Telecommunications access; school districts; grant.* Biennially,
13 from the universal service fund, the amounts in the schedule to make payments to
14 telecommunications providers under contracts with the department of
15 administration under s. ~~16.974 (1)~~ 16.971 (13) to the extent that the amounts due are
16 not paid from the appropriation under s. ~~20.530~~ 20.505 (1) (is); prior to January 1,
17 2006, to make grants to school districts under s. ~~44.73 (6)~~ 115.9995 (6); and, in the
18 1999–2000 fiscal year, to award a grant to the distance learning network under 1999
19 Wisconsin Act 9, section 9148 (4w).

20 **SECTION 32nz.** 20.275 (1) (tm) of the statutes, as affected by 2001 Wisconsin
21 Act 16, is renumbered 20.255 (4) (tm) and amended to read:

22 20.255 (4) (tm) *Telecommunications access; private schools.* Biennially, from
23 the universal service fund, the amounts in the schedule to make payments to
24 telecommunications providers under contracts with the department of
25 administration under s. ~~16.974 (3)~~ 16.971 (15) to the extent that the amounts due are

1 not paid from the appropriation under s. ~~20.530~~ 20.505 (1) (is) and, prior to January
2 1, 2006, to make grants to private schools under s. ~~44.73 (6)~~ 115.9995 (6).”.

3 **71.** Page 14, line 6: after that line insert:

4 “**SECTION 32pd.** 20.285 (1) (eq) of the statutes is created to read:

5 20.285 (1) (eq) *Soil and water resource management.* The amounts in the
6 schedule for University of Wisconsin–Extension activities related to soil and water
7 resource management.

8 **SECTION 32vd.** 20.285 (1) (rm) of the statutes is created to read:

9 20.285 (1) (rm) *Soil and water resource management; environmental fund.*

10 From the environmental fund, the amounts in the schedule for University of
11 Wisconsin–Extension activities related to soil and water resource management.”.

12 **72.** Page 14, line 6: after that line insert:

13 “**SECTION 32m.** 20.255 (2) (fu) of the statutes is repealed and recreated to read:

14 20.255 (2) (fu) *Milwaukee parental choice program.* The amounts in the
15 schedule for private schools under s. 119.23 (4) and (4m).”.

16 **73.** Page 14, line 6: after that line insert:

17 “**SECTION 32m.** 20.285 (1) (c) of the statutes, as affected by 2001 Wisconsin Act
18 16, is amended to read:

19 20.285 (1) (c) *Energy costs.* The amounts in the schedule to pay for utilities and
20 for fuel, heat, and air conditioning, and to pay costs incurred under ss. 16.858 and
21 16.895, including all operating costs recommended by the department of
22 administration that result from the installation of pollution abatement equipment
23 in state–owned or operated heating, cooling, or power plants, by or on behalf of the
24 board of regents, and to pay costs allocated to the board of regents in a plan approved

1 by the public service commission under 2001 Wisconsin Act ... (this act), section 9142
2 (1z) (b) 2.”.

3 **74.** Page 14, line 6: after that line insert:

4 **SECTION 32f.** 20.275 (1) (t) of the statutes, as affected by 2001 Wisconsin Act
5 16, is renumbered 20.255 (4) (t) and amended to read:

6 20.255 (4) (t) *Telecommunications access; private and technical colleges and*
7 *libraries.* Biennially, from the universal service fund, the amounts in the schedule
8 to make payments to telecommunications providers under contracts with the
9 department of administration under s. ~~16.974 (2)~~ 16.971 (14) to the extent that the
10 amounts due are not paid from the appropriation under s. ~~20.530~~ 20.505 (1) (is).

11 **SECTION 32j.** 20.275 (1) (tu) of the statutes, as affected by 2001 Wisconsin Act
12 16, is renumbered 20.255 (4) (tv) and amended to read:

13 20.255 (4) (tv) *Telecommunications access; state schools.* Biennially, from the
14 universal service fund, the amounts in the schedule to make payments to
15 telecommunications providers under contracts with the department of
16 administration under s. ~~16.974 (4)~~ 16.971 (16) to the extent that the amounts due are
17 not paid from the appropriation under s. ~~20.530~~ 20.505 (1) (kL).

18 **SECTION 32L.** 20.275 (1) (tw) of the statutes, as created by 2001 Wisconsin Act
19 16, is renumbered 20.255 (4) (tw) and amended to read:

20 20.255 (4) (tw) *Telecommunications access; secured correctional facilities.*
21 Biennially, from the universal service fund, the amounts in the schedule to make
22 payments to telecommunications providers under contracts with the department of
23 administration under s. ~~16.974 (1)~~ 16.971 (13) to the extent that the amounts due are
24 not paid from the appropriation under s. ~~20.530~~ 20.505 (1) (ke).”.

1 **75.** Page 14, line 6: after that line insert:

2 “**SECTION 32m.** 20.255 (2) (ec) of the statutes is created to read:

3 20.255 **(2)** (ec) *Enhanced capacity and quality aid.* The amounts in the
4 schedule for aid under s. 119.85 to the school district operating under ch. 119.”.

5 **76.** Page 14, line 7: delete lines 7 to 14.

6 **77.** Page 13, line 13: after that line insert:

7 **SECTION 30hm.** 20.285 (4) (dd) of the statutes is amended to read:

8 20.285 **(4)** (dd) *Lawton minority undergraduate grants program.* ~~The amounts~~
9 ~~in the schedule~~ A sum sufficient equal to the amount determined under s. 36.34 (1)
10 (c) for the Lawton minority undergraduate grant program under s. 36.34 (1).”.

11 **78.** Page 15, line 24: after that line insert:

12 “**SECTION 36ft.** 20.370 (4) (cg) of the statutes is created to read:

13 20.370 **(4)** (cg) *Conservation reserve enhancement program.* From the general
14 fund, from the moneys received under s. 32.035, the amounts in the schedule for
15 administering the conservation reserve enhancement program under s. 281.52.

16 **SECTION 36fx.** 20.370 (4) (mr) of the statutes is amended to read:

17 20.370 **(4)** (mr) *General program operations — nonpoint source and*
18 *conservation reserve enhancement.* From the environmental fund, the amounts in
19 the schedule for performing the duties of the department under s. ss. 92.14, 281.52,
20 and 281.65.

21 **SECTION 36jv.** 20.370 (6) (as) of the statutes is created to read:

22 20.370 **(6)** (as) *Environmental aids – soil and water resource management*
23 *grants.* From the environmental fund, the amounts in the schedule for soil and water
24 resource management grants under s. 92.14.”.

1 **79.** Page 15, line 24: after that line insert:

2 “**SECTION 360gb.** 20.370 (5) (fq) of the statutes is amended to read:

3 20.370 (5) (fq) *Wildlife damage claims and abatement.* All moneys received
4 under ss. 29.181 (3), 29.559 (1r) (b), and 29.563 (13) and not appropriated under par.
5 (fr) and sub. (1) (Ls) to provide state aid for the wildlife damage abatement program
6 under s. 29.889 (5) (c) and the wildlife damage claim program under s. 29.889 (7) (d),
7 for county administration costs under s. 29.889 (2) (d), and for payments under s.
8 29.89, and for the testing of chronic wasting disease under s. 29.063.”.

9 **80.** Page 15, line 24: after that line insert:

10 “**SECTION 36fb.** 20.370 (4) (aq) of the statutes, as affected by 2001 Wisconsin
11 Act 16, is amended to read:

12 20.370 (4) (aq) *Water resources management — ~~management activities~~ lake,*
13 *river, and invasive species management.* The amounts in the schedule for lake and
14 river management and other water resource management activities and for the
15 *invasive species program under s. 23.22.*”.

16 **81.** Page 16, line 5: after that line insert:

17 “**SECTION 36md.** 20.395 (3) (bq) of the statutes is amended to read:

18 20.395 (3) (bq) *Major highway development, state funds.* As a continuing
19 appropriation, the amounts in the schedule for major development of state trunk and
20 connecting highways and for the disadvantaged business demonstration and
21 training program under s. 84.076. This paragraph does not apply to major
22 development of any southeast Wisconsin freeway, as defined in s. 84.014 (1) (e).

23 **SECTION 36me.** 20.395 (3) (br) of the statutes is amended to read:

1 20.395 (3) (br) *Major highway development, service funds.* All moneys received
2 from the fund created under s. 18.57 (1) as reimbursement for the temporary
3 financing under sub. (9) (th) of projects for major development of state trunk and
4 connecting highways that are financed under s. 84.59 and enumerated under s.
5 84.013 (3), for the purpose of financing such projects. This paragraph does not apply
6 to any project for major development of a southeast Wisconsin freeway, as defined in
7 s. 84.014 (1) (e).

8 **SECTION 36mf.** 20.395 (3) (bv) of the statutes is amended to read:

9 20.395 (3) (bv) *Major highway development, local funds.* All moneys received
10 from any local unit of government or other source for major development of state
11 trunk and connecting highways, including the railroad and utility alteration and
12 relocation loan program under s. 84.065, and the disadvantaged business
13 demonstration and training program under s. 84.076, for such purposes. This
14 paragraph does not apply to major development of any southeast Wisconsin freeway,
15 as defined in s. 84.014 (1) (e).

16 **SECTION 36mg.** 20.395 (3) (bx) of the statutes is amended to read:

17 20.395 (3) (bx) *Major highway development, federal funds.* All moneys received
18 from the federal government for major development of state trunk and connecting
19 highways and the disadvantaged business demonstration and training program
20 under s. 84.076, for such purposes. This paragraph does not apply to major
21 development of any southeast Wisconsin freeway, as defined in s. 84.014 (1) (e).

22 **SECTION 36mh.** 20.395 (3) (cq) of the statutes, as affected by 2001 Wisconsin
23 Act 16, is amended to read:

24 20.395 (3) (cq) *State highway rehabilitation, state funds.* As a continuing
25 appropriation, the amounts in the schedule for improvement of existing state trunk

1 and connecting highways; for improvement of bridges on state trunk or connecting
2 highways and other bridges for which improvement is a state responsibility, for
3 necessary approach work for such bridges and for replacement of such bridges with
4 at-grade crossing improvements; for the construction and rehabilitation of the
5 national system of interstate and defense highways and bridges and related
6 appurtenances; for special maintenance activities under s. 84.04 on roadside
7 improvements; for bridges under s. 84.10; for payment to a local unit of government
8 for a jurisdictional transfer under s. 84.02 (8); for the disadvantaged business
9 demonstration and training program under s. 84.076; for the transfers required
10 under 1999 Wisconsin Act 9, section 9250 (1); and for the purposes described under
11 1999 Wisconsin Act 9, section 9150 (8g), and 2001 Wisconsin Act 16, section 9152 (4e).
12 This paragraph does not apply to any southeast Wisconsin freeway rehabilitation
13 projects under s. 84.014, or to the installation, replacement, rehabilitation, or
14 maintenance of highway signs, traffic control signals, highway lighting, pavement
15 markings, or intelligent transportation systems, unless incidental to the
16 improvement of existing state trunk and connecting highways.

17 **SECTION 36mi.** 20.395 (3) (cv) of the statutes is amended to read:

18 20.395 (3) (cv) *State highway rehabilitation, local funds.* All moneys received
19 from any local unit of government or other source for the specific information sign
20 program under s. 86.195; for improvement of existing state trunk and connecting
21 highways; for improvement of bridges on state trunk or connecting highways and
22 other bridges for which improvement is a state responsibility, for necessary approach
23 work for such bridges and for replacement of such bridges with at-grade crossing
24 improvements; for the construction and rehabilitation of the national system of
25 interstate and defense highways and bridges and related appurtenances; for special

1 maintenance activities under s. 84.04 on roadside improvements; for the railroad
2 and utility alteration and relocation loan program under s. 84.065; and for the
3 disadvantaged business demonstration and training program under s. 84.076, for
4 such purposes. This paragraph does not apply to any southeast Wisconsin freeway
5 rehabilitation projects under s. 84.014.

6 **SECTION 36mj.** 20.395 (3) (cx) of the statutes is amended to read:

7 20.395 (3) (cx) *State highway rehabilitation, federal funds.* All moneys
8 received from the federal government for improvement of existing state trunk and
9 connecting highways; for improvement of bridges on state trunk or connecting
10 highways and other bridges for which improvement is a state responsibility, for
11 necessary approach work for such bridges and for replacement of such bridges with
12 at-grade crossing improvements; for the construction and rehabilitation of the
13 national system of interstate and defense highways and bridges and related
14 appurtenances; for special maintenance activities under s. 84.04 on roadside
15 improvements; and for the disadvantaged business demonstration and training
16 program under s. 84.076, for such purposes. This paragraph does not apply to any
17 southeast Wisconsin freeway rehabilitation projects under s. 84.014.

18 **SECTION 36mk.** 20.395 (6) (at) of the statutes is created to read:

19 20.395 (6) (at) *Principal repayment and interest, major highway and*
20 *rehabilitation projects, state funds.* A sum sufficient to reimburse s. 20.866 (1) (u)
21 for the payment of principal and interest costs incurred in financing major highway
22 and rehabilitation projects, as provided under s. 84.555.”.

23 **82.** Page 16, line 5: after that line insert:

24 “**SECTION 37c.** 20.380 (1) (b) of the statutes is amended to read:

1 20.380 (1) (b) *Tourism marketing; general purpose revenue.* The amounts in the
2 schedule for tourism marketing service expenses and the execution of the functions
3 under ss. 41.11 (4) and 41.17 and the grants under 1997 Wisconsin Act 27, section
4 9148 (2f) and (2x). In each fiscal year, the department shall expend for tourism
5 marketing service expenses and the execution of the functions under ss. 41.11 (4) and
6 41.17 an amount that bears the same proportion to the amount in the schedule for
7 the fiscal year as the amount expended under par. (kg) in that fiscal year bears to the
8 amount in the schedule for par. (kg) for that fiscal year. Of the amounts under this
9 paragraph, not more than 50% shall be used to match funds allocated under s. 41.17
10 by private or public organizations for the joint effort marketing of tourism with the
11 state. The department shall expend at least \$125,000 in each fiscal year from this
12 appropriation to conduct or contract for marketing activities related to sporting
13 activities and events. Of the amounts in the schedule, \$25,000 shall be allocated in
14 each fiscal year for state sponsorship of, and advertising during, media broadcasts
15 of the Milwaukee symphony, and \$50,000 shall be provided in each fiscal year in
16 grants to the badger state games. Of the amounts in the schedule, \$50,000 shall be
17 allocated for grants to America’s Black Holocaust Museum in the city of Milwaukee.”.

18 **83.** Page 16, line 5: after that line insert:

19 “**SECTION 37m.** 20.410 (1) (gv) of the statutes is created to read:

20 20.410 (1) (gv) *Inmate visitor transportation.* The amounts in the schedule for
21 providing transportation to persons visiting inmates in state prisons. All moneys
22 received as fees under s. 301.205 (1) (b) 1. from persons to whom such transportation
23 is provided shall be credited to this appropriation account.”.

24 **84.** Page 16, line 6: delete lines 6 to 12.

1 **85.** Page 16, line 12: after that line insert:

2 “**SECTION 38r.** 20.435 (4) (iL) of the statutes, as created by 2001 Wisconsin Act
3 16, is repealed.”.

4 **86.** Page 16, line 13: delete lines 13 and 14.

5 **87.** Page 17, line 5: after that line insert:

6 “**SECTION 41n.** 20.455 (2) (cr) of the statutes is created to read:

7 20.455 (2) (cr) *Automated fingerprint identification system grant.* The amounts
8 in the schedule for a grant to a law enforcement agency under 2001 Wisconsin Act
9 (this act), section 9131 (2x), for an automated fingerprint identification system
10 work station and for installation of a Badgernet line.

11 **SECTION 41nb.** 20.455 (2) (cr) of the statutes, as created by 2001 Wisconsin Act
12 (this act), is repealed.”.

13 **88.** Page 17, line 5: after that line insert:

14 “**SECTION 41g.** 20.455 (1) (title) of the statutes is amended to read:

15 20.455 (1) (title) LEGAL AND REGULATORY SERVICES.

16 **SECTION 41m.** 20.455 (1) (g) of the statutes is created to read:

17 20.455 (1) (g) *Consumer protection, information, and education.* The amounts
18 in the schedule for consumer protection and consumer information and education.
19 All moneys received under s. 100.261 (3) (d) shall be credited to this appropriation
20 account, subject to the limit under s. 100.261 (3) (e).

21 **SECTION 41p.** 20.455 (1) (j) of the statutes is created to read:

22 20.455 (1) (j) *Telephone solicitation regulation.* All moneys received from
23 telephone solicitor registration and registration renewal fees paid under the rules

1 promulgated under s. 100.52 (3) (a) for establishing and maintaining the
2 nonsolicitation directory under s. 100.52 (2).”.

3 **89.** Page 17, line 8: delete lines 8 to 13.

4 **90.** Page 17, line 23: delete lines 23 and 24.

5 **91.** Page 17, line 24: after that line insert:

6 “**SECTION 44b.** 20.505 (1) (im) of the statutes, as affected by 2001 Wisconsin Act
7 16, is amended to read:

8 20.505 (1) (im) *Services to nonstate governmental units.* The amounts in the
9 schedule to provide services and to repurchase inventory items that are provided
10 primarily to purchasers other than state agencies and to transfer to the
11 appropriation account under par. (kc) the amounts received from school districts
12 under s. 16.85 (15). All moneys received from the sale of services, other than services
13 provided under par. (is), and inventory items which are provided primarily to
14 purchasers other than state agencies shall be credited to this appropriation account.

15 **SECTION 44bd.** 20.505 (1) (is) of the statutes is created to read:

16 20.505 (1) (is) *Information technology and telecommunications services;*
17 *nonstate entities.* From the sources specified in ss. 16.972 (2) (b) and (c), 16.974 (2),
18 and 115.9995 (2) (d), to provide computer services, telecommunications services, and
19 supercomputer services to state authorities, units of the federal government, local
20 governmental units, and entities in the private sector, the amounts in the schedule.

21 **SECTION 44bL.** 20.505 (1) (it) of the statutes is created to read:

22 20.505 (1) (it) *Electronic communications services; nonstate entities.* From the
23 source specified in s. 16.974 (3), to provide electronic communications services to

1 state authorities, units of the federal government, local governmental units, and
2 entities in the private sector, the amounts in the schedule.

3 **SECTION 44bp.** 20.505 (1) (kg) of the statutes is created to read:

4 20.505 (1) (kg) *Electronic communications services; state agencies.* From the
5 source specified in s. 16.974 (3), to provide electronic communications services to
6 state agencies, the amounts in the schedule.

7 **SECTION 44c.** 20.505 (1) (kL) of the statutes is created to read:

8 20.505 (1) (kL) *Printing, mail processing, and information technology*
9 *processing services to agencies.* From the sources specified in ss. 16.972 and 16.973,
10 to provide printing, mail processing, and information technology processing services
11 to state agencies, the amounts in the schedule.

12 **SECTION 44ce.** 20.505 (1) (kr) of the statutes is created to read:

13 20.505 (1) (kr) *Information technology development and management services.*
14 From the source specified in s. 16.971 (11), to provide information technology
15 development and management services to executive branch agencies under s.
16 16.971, the amounts in the schedule.”.

17 **92.** Page 18, line 6: delete lines 6 to 22.

18 **93.** Page 19, line 3: after that line insert:

19 “**SECTION 47m.** 20.505 (4) (kt) of the statutes is created to read:

20 20.505 (4) (kt) *Wisconsin tribal–state council.* The amounts in the schedule for
21 the general program operations of the Wisconsin tribal–state council. All moneys
22 transferred from the appropriation account under sub. (8) (hm) 22. shall be credited
23 to this appropriation account. Notwithstanding s. 20.001 (3) (a), the unencumbered

1 balance on June 30 of each year shall revert to the appropriation account under sub.
2 (8) (hm).”.

3 **94.** Page 19, line 8: after that line insert:

4 “SECTION 50m. 20.505 (6) (j) 12. of the statutes, as affected by 2001 Wisconsin
5 Act 16, is amended to read:

6 20.505 (6) (j) 12. The amount transferred to s. ~~20.530 sub.~~ (1) (kq) shall be the
7 amount in the schedule under s. ~~20.530 sub.~~ (1) (kq).”.

8 **95.** Page 19, line 20: after that line insert:

9 “SECTION 52j. 20.510 (1) (q) of the statutes is amended to read:

10 20.510 (1) (q) *Wisconsin election campaign fund.* As a continuing
11 appropriation, from the Wisconsin election campaign fund, the moneys determined
12 under s. 11.50 to provide for payments to eligible candidates whose names are
13 certified under s. 7.08 (2) (c) and (cm) and to provide for public information as
14 authorized under s. 11.50 (2m).”.

15 **96.** Page 19, line 20: after that line insert:

16 “SECTION 52j. 20.505 (8) (hm) 22. of the statutes is created to read:

17 20.505 (8) (hm) 22. The amount transferred to sub. (4) (kt) shall be the amount
18 in the schedule under sub. (4) (kt).”.

19 **97.** Page 19, line 20: after that line insert:

20 “SECTION 52im. 20.505 (8) (hm) 2m. of the statutes, as created by 2001
21 Wisconsin Act 16, is repealed.”.

22 **98.** Page 19, line 20: after that line insert:

23 “SECTION 52gb. 20.566 (1) (gc) of the statutes is created to read:

1 20.566 (1) (gc) *Administration of cigarette and tobacco product direct*
2 *marketing permits.* From the moneys received from permits issued and penalties
3 assessed under ss. 139.345, 139.40 (2), and 139.795, the amounts in the schedule for
4 enforcing and administering cigarette and tobacco product direct marketing permits
5 and penalties under ss. 139.345, 139.40 (2), and 139.795.”.

6 **99.** Page 19, line 20: after that line insert:

7 “**SECTION 52h.** 20.530 (intro.) of the statutes, as created by 2001 Wisconsin Act
8 16, is repealed.

9 **SECTION 52i.** 20.530 (1) (title) of the statutes, as created by 2001 Wisconsin Act
10 16, is repealed.

11 **SECTION 52j.** 20.530 (1) (g) of the statutes, as created by 2001 Wisconsin Act
12 16, is repealed.

13 **SECTION 52k.** 20.530 (1) (ir) of the statutes, as affected by 2001 Wisconsin Act
14 16, is renumbered 20.505 (1) (ir).

15 **SECTION 52L.** 20.530 (1) (ja) of the statutes, as affected by 2001 Wisconsin Act
16 16, is renumbered 20.505 (1) (ja).

17 **SECTION 52Lb.** 20.530 (1) (ke) of the statutes, as affected by 2001 Wisconsin
18 Act 16, is renumbered 20.505 (1) (ke) and amended to read:

19 20.505 (1) (ke) *Telecommunications services; state agencies; veterans services.*
20 The amounts in the schedule to provide telecommunications services to state
21 agencies and to provide veterans services under s. ~~22.07~~ 16.973 (9). All moneys
22 received from the provision of telecommunications services to state agencies under
23 ss. ~~22.05~~ and ~~22.07~~ 16.972 and 16.973 or under s. 44.73 115.9995 (2) (d), other than

1 moneys received and disbursed under par. (kL) and s. 20.225 (1) (kb), shall be
2 credited to this appropriation account.

3 **SECTION 52Lc.** 20.530 (1) (kp) of the statutes, as affected by 2001 Wisconsin
4 Act 16, is renumbered 20.505 (1) (kp) and amended to read:

5 20.505 (1) (kp) *Interagency assistance; justice information systems.* The
6 amounts in the schedule for the development and operation of automated justice
7 information systems under s. ~~22.03~~ 16.971 (9). All moneys transferred from the
8 appropriation accounts under s. ~~20.505 sub.~~ (6) (kt) and (m) shall be credited to this
9 appropriation account.

10 **SECTION 52Ld.** 20.530 (1) (kq) of the statutes, as affected by 2001 Wisconsin
11 Act 16, is renumbered 20.505 (1) (kq) and amended to read:

12 20.505 (1) (kq) *Justice information systems development, operation and*
13 *maintenance.* The amounts in the schedule for the purpose of developing, operating
14 and maintaining automated justice information systems under s. ~~22.03~~ 16.971 (9).
15 All moneys transferred from the appropriation account under s. ~~20.505 sub.~~ (6) (j) 12.
16 shall be credited to this appropriation account.

17 **SECTION 52Ldb.** 20.530 (1) (m) of the statutes, as created by 2001 Wisconsin
18 Act 16, is repealed.”.

19 **100.** Page 19, line 20: after that line insert:

20 “**SECTION 52im.** 20.515 (2) (g) of the statutes is amended to read:

21 20.515 (2) (g) *Private employer health care coverage plan.* All moneys received
22 under subch. X of ch. 40 from employers who elect to participate in the private
23 employer health care coverage program under subch. X of ch. 40 and from any other
24 person under s. 40.98 (2) (h), for the costs of designing, marketing, and contracting

1 for or providing administrative services for the program and for lapsing to the
2 general fund the amounts required under s. 40.98 (6m).”.

3 **101.** Page 19, line 20: after that line insert:

4 “**SECTION 52j.** 20.510 (1) (b) of the statutes is created to read:

5 20.510 (1) (b) *Election-related cost reimbursement.* A sum sufficient to
6 reimburse municipalities for claims allowed under s. 5.68 (7).”.

7 **102.** Page 19, line 20: after that line insert:

8 “**SECTION 52h.** 20.515 (1) (vm) of the statutes is created to read:

9 20.515 (1) (vm) *Early retirement benefits under 2001 Wisconsin Act (this act).*
10 Biennially, from the public employee trust fund, the amounts in the schedule for
11 administering the provision of early retirement benefits under 2001 Wisconsin Act
12 (this act), section 9116 (1q).”.

13 **103.** Page 20, line 3: delete the material beginning with that line and ending
14 with page 21, line 3.

15 **104.** Page 21, line 3: after that line insert:

16 “**SECTION 57m.** 20.855 (4) (ba) of the statutes is created to read:

17 20.855 (4) (ba) *Wisconsin election campaign fund supplement.* A sum sufficient
18 equal to the amounts required to make full payment of grants which candidates
19 qualify to receive from the Wisconsin election campaign fund, to be transferred from
20 the general fund to the Wisconsin election campaign fund no later than the time
21 required to make payments of grants under s. 11.50 (5).”.

22 **105.** Page 21, line 3: after that line insert:

23 “**SECTION 56m.** 20.835 (1) (fm) of the statutes is created to read:

1 20.835 (1) (fm) *Consolidation and annexation aid account*. The amounts in the
2 schedule to make the payments under s. 79.097.”.

3 **106.** Page 21, line 3: after that line insert:

4 “**SECTION 57b.** 20.855 (1) (ch) of the statutes is created to read:

5 20.855 (1) (ch) *Payment to reimburse loan to general fund from the office of the*
6 *commissioner of insurance*. A sum sufficient to repay the loan to the general fund
7 under s. 601.34, but not to exceed the sum of the following:

8 1. The amounts lapsed to the general fund from the appropriation account
9 under s. 20.515 (2) (a) at the end of the 2001–03 fiscal biennium.

10 2. The amounts lapsed to the general fund from the appropriation account
11 under s. 20.515 (2) (g), as determined under s. 40.98 (6m).

12 3. Any amount that is needed to repay all principle and interest costs on the
13 loan to the general fund under s. 601.34 and that exceeds the amounts identified in
14 subds. 1. and 2.”.

15 **107.** Page 21, line 9: delete lines 9 to 13.

16 **108.** Page 21, line 25: after that line insert:

17 “**SECTION 64h.** 20.866 (1) (u) of the statutes, as affected by 2001 Wisconsin Acts
18 16 and (this act), is amended to read:

19 20.866 (1) (u) *Principal repayment and interest*. A sum sufficient from moneys
20 appropriated under sub. (2) (zp) and ss. 20.115 (2) (d) ~~and (7) (b) and (f)~~, 20.190 (1)
21 (c), (d), (i), and (j), 20.225 (1) (c) and (i), 20.245 (1) (e) and (j), 20.250 (1) (c) and (e),
22 20.255 (1) (d), ~~20.275 (1) and (4)~~ (er), (es), (h), and (hb), 20.285 (1) (d), (db), (fh), (ih),
23 (kd), and (km) and (5) (i), 20.320 (1) (c) and (t) and (2) (c), 20.370 (7) (aa), (ac), (ag),
24 (aq), (ar), (at), (au), (ba), (bb), (bq), (ca), (cb), (cc), (cd), (ce), (cf), (df), (ea), (eq), and (er),

1 20.395 (6) (af), (aq), (ar), and (at), 20.410 (1) (e), (ec), and (ko) and (3) (e), 20.435 (2)
2 (ee) and (6) (e), 20.465 (1) (d), 20.485 (1) (f) and (go), (3) (t) and (4) (qm), 20.505 (5)
3 (c), (g) and (kc), 20.855 (8) (a) and 20.867 (1) (a) and (b) and (3) (a), (b), (bm), (bp), (br),
4 (bt), (g), (h), (i), and (q) for the payment of principal and interest on public debt
5 contracted under subchs. I and IV of ch. 18.”.

6 **109.** Page 21, line 25: after that line insert:

7 “**SECTION 64h.** 20.866 (1) (u) of the statutes, as affected by 2001 Wisconsin Act
8 16, is amended to read:

9 20.866 (1) (u) *Principal repayment and interest.* A sum sufficient from moneys
10 appropriated under sub. (2) (zp) and ss. 20.115 (2) (d) and (7) (b) and (f), 20.190 (1)
11 (c), (d), (i), and (j), 20.225 (1) (c) and (i), 20.245 (1) (e) and (j), 20.250 (1) (c) and (e),
12 20.255 (1) (d), 20.275 (1) (er), (es), (h), and (hb), 20.285 (1) (d), (db), (fh), (ih), (kd), and
13 (km) and (5) (i), 20.320 (1) (c) and (t) and (2) (c), 20.370 (7) (aa), (ac), (ag), (aq), (ar),
14 (at), (au), (ba), (bq), (ca), (cb), (cc), (cd), (ce), (cf), (ea), (eq), and (er), 20.395 (6) (af), (aq),
15 ~~and (ar), and (at).~~ 20.410 (1) (e), (ec), and (ko) and (3) (e), 20.435 (2) (ee) and (6) (e),
16 20.465 (1) (d), 20.485 (1) (f) and (go), (3) (t) and (4) (qm), 20.505 (5) (c), (g) and (kc),
17 20.855 (8) (a) and 20.867 (1) (a) and (b) and (3) (a), (b), (bm), (bp), (br), (bt), (g), (h),
18 (i), and (q) for the payment of principal and interest on public debt contracted under
19 subchs. I and IV of ch. 18.”.

20 **110.** Page 21, line 25: after that line insert:

21 “**SECTION 64g.** 20.865 (4) (k) of the statutes, as created by 2001 Wisconsin Act
22 16, is amended to read:

23 20.865 (4) (k) *Public assistance programs supplementation.* All moneys
24 transferred under 2001 Wisconsin Act 16, section 9258 (2w), to supplement

1 appropriations, as provided in s. 13.101, for cash benefit payments to Wisconsin
2 works participants under s. 49.148 and all moneys transferred under 2001 Wisconsin
3 Act ... (this act), section 9258 (14d), to supplement appropriations, as provided in s.
4 13.101, for any purpose that is allowable under the federal temporary assistance for
5 needy families program under 42 USC 601 to 619.”.

6 **111.** Page 22, line 9: after that line insert:

7 “**SECTION 64vg.** 20.866 (2) (we) of the statutes, as affected by 2001 Wisconsin
8 Act 16, is amended to read:

9 20.866 (2) (we) *Agriculture Natural resources; soil and water.* From the capital
10 improvement fund, a sum sufficient for the department of agriculture, ~~trade and~~
11 ~~consumer protection~~ natural resources to provide for soil and water resource
12 management under s. 92.14. The state may contract public debt in an amount not
13 to exceed \$13,575,000 for this purpose.

14 **SECTION 64vm.** 20.866 (2) (wf) of the statutes is amended to read:

15 20.866 (2) (wf) *Agriculture Natural resources; conservation reserve*
16 *enhancement.* From the capital improvement fund, a sum sufficient for the
17 department of agriculture, ~~trade and consumer protection~~ natural resources to fund
18 the conservation reserve enhancement program under s. 93.70 ~~281.52~~. The state
19 may contract public debt in an amount not to exceed \$40,000,000 for this purpose.”.

20 **112.** Page 22, line 9: after that line insert:

21 “**SECTION 64tg.** 20.866 (2) (ur) of the statutes is amended to read:

22 20.866 (2) (ur) *Transportation; accelerated highway improvements.* From the
23 capital improvement fund, a sum sufficient to acquire, construct, develop, enlarge,
24 or improve state highway facilities as provided by ss. 84.06 and 84.09. The state may

1 contract public debt in an amount not to exceed \$185,000,000 for this purpose. This
2 paragraph does not apply to any southeast Wisconsin freeway rehabilitation projects
3 under s. 84.014.

4 **SECTION 64th.** 20.866 (2) (uu) of the statutes is amended to read:

5 20.866 (2) (uu) *Transportation; highway projects.* From the capital
6 improvement fund, a sum sufficient for the department of transportation to acquire,
7 construct, reconstruct, improve, or develop highway projects under ss. 84.06 and
8 84.09. The state may contract public debt in an amount not to exceed \$41,000,000 for
9 this purpose. This paragraph does not apply to any southeast Wisconsin freeway
10 rehabilitation projects under s. 84.014.

11 **SECTION 64ti.** 20.866 (2) (uum) of the statutes is created to read:

12 20.866 (2) (uum) *Transportation; major highway and rehabilitation projects.*
13 From the capital improvement fund, a sum sufficient for the department of
14 transportation to fund major highway and rehabilitation projects, as provided under
15 s. 84.555. The state may contract public debt in an amount not to exceed
16 \$200,000,000 for this purpose.”.

17 **113.** Page 23, line 25: after that line insert:

18 “**SECTION 68m.** 20.866 (2) (zc) of the statutes is amended to read:

19 20.866 (2) (zc) ~~*Technology for educational achievement in Wisconsin board*~~
20 *Department of public instruction; school district educational technology*
21 *infrastructure financial assistance.* From the capital improvement fund, a sum
22 sufficient for the ~~technology for educational achievement in Wisconsin board~~
23 department of public instruction to provide educational technology infrastructure

1 financial assistance to school districts under s. 44.72 (4) ~~115.999 (4)~~. The state may
2 contract public debt in an amount not to exceed \$100,000,000 for this purpose.

3 **SECTION 68n.** 20.866 (2) (zcm) of the statutes, as affected by 2001 Wisconsin
4 Act 16, is amended to read:

5 20.866 (2) (zcm) ~~Technology for educational achievement in Wisconsin board~~
6 ~~Department of public instruction; public library educational technology~~
7 ~~infrastructure financial assistance.~~ From the capital improvement fund, a sum
8 sufficient for the ~~technology for educational achievement in Wisconsin board~~
9 ~~department of public instruction~~ to provide educational technology infrastructure
10 financial assistance to public library boards under s. 44.72 (4) ~~115.999 (4)~~. The state
11 may contract public debt in an amount not to exceed \$3,000,000 for this purpose.”.

12 **114.** Page 23, line 25: after that line insert:

13 “**SECTION 68d.** 20.866 (2) (z) 3m. b. of the statutes, as created by 2001 Wisconsin
14 Act 16, is amended to read:

15 20.866 (2) (z) 3m. b. July 1, 2003, to June 30, 2005, ~~\$63,500,000~~ \$95,500,000.

16 **SECTION 68e.** 20.866 (2) (z) 3m. c. of the statutes, as created by 2001 Wisconsin
17 Act 16, is amended to read:

18 20.866 (2) (z) 3m. c. July 1, 2005, to June 30, 2007, ~~\$95,500,000~~ \$127,500,000.

19 **SECTION 68f.** 20.866 (2) (z) 3m. d. of the statutes, as created by 2001 Wisconsin
20 Act 16, is amended to read:

21 20.866 (2) (z) 3m. d. July 1, 2007, ~~to June 30, 2009, \$127,500,000~~ or thereafter,

22 \$158,500,000.

23 **SECTION 68g.** 20.866 (2) (z) 3m. e. of the statutes, as created by 2001 Wisconsin
24 Act 16, is repealed.”.

1 **115.** Page 23, line 25: after that line insert:

2 “**SECTION 68c.** 20.922 (1) of the statutes is amended to read:

3 20.922 (1) Unless otherwise provided by law, each state agency may appoint
4 such ~~deputies,~~ assistants, experts, clerks, stenographers, or other employees as are
5 necessary for the execution of its functions, and to designate the titles, prescribe the
6 duties, and fix the compensation of such subordinates, but these powers shall be
7 exercised subject to the state civil service law, unless the position filled has been
8 expressly exempted from the operation of ch. 230 and subject, also, to the approval
9 of such other officer or body as is prescribed by law. If a state agency contains a board
10 or commission which is authorized to appoint an executive officer by whatever name
11 called, the appointing power resides in the executive officer and the board or
12 commission has no further appointing power except as it is specifically given such
13 power.

14 **SECTION 68m.** 20.923 (4) (intro.) of the statutes is amended to read:

15 20.923 (4) STATE AGENCY POSITIONS. (intro.) State agency heads, the
16 administrator of the division of merit recruitment and selection in the department
17 of employment relations and commission chairpersons and members shall be
18 identified and limited in number in accordance with the standardized nomenclature
19 contained in this subsection, and shall be assigned to the executive salary groups
20 listed in pars. (a) to (i). ~~Except for positions specified in par. (c) 3m. and sub. (12),~~
21 ~~all unclassified division administrator positions enumerated under s. 230.08 (2) (e)~~
22 ~~shall be assigned, when approved by the joint committee on employment relations,~~
23 ~~by the secretary of employment relations to one of 10 executive salary groups.~~ The
24 joint committee on employment relations, by majority vote of the full committee, may

1 amend recommendations for initial position assignments and changes in
2 assignments to the executive salary groups submitted by the secretary of
3 employment relations. All division administrator assignments and amendments to
4 assignments of administrator positions approved by the committee shall become
5 part of the compensation plan. ~~Whenever a new unclassified division administrator~~
6 ~~position is created, the appointing authority may set the salary for the position until~~
7 ~~the joint committee on employment relations approves assignment of the position to~~
8 ~~an executive salary group. If the committee approves assignment of the position to~~
9 ~~an executive salary group having a salary range minimum or maximum inconsistent~~
10 ~~with the salary paid to the incumbent at the time of such approval, the incumbent's~~
11 ~~salary shall be adjusted by the appointing authority to conform with the committee's~~
12 ~~action, effective on the date of that action. Positions are assigned as follows:".~~

13 **116.** Page 24, line 3: after that line insert:

14 “SECTION 69m. 20.923 (4) (e) 1b. of the statutes is repealed.”.

15 **117.** Page 24, line 3: after that line insert:

16 “SECTION 69j. 20.923 (6) (ab) of the statutes is created to read:

17 20.923 (6) (ab) Administration, department of: executive director of the
18 Wisconsin tribal-state council.”.

19 **118.** Page 24, line 4: after that line insert:

20 “SECTION 69m. 20.923 (4) (h) 2. of the statutes, as created by 2001 Wisconsin
21 Act 16, is repealed.”.

22 **119.** Page 24, line 4: after that line insert:

23 “SECTION 69t. 20.923 (6) (as) of the statutes is amended to read:

1 20.923 (6) (as) Each elective executive officer other than the attorney general,
2 the secretary of state, the state treasurer, and the superintendent of public
3 instruction: ~~a deputy or~~ an assistant.”.

4 **120.** Page 24, line 6: after that line insert:

5 “**SECTION 71b.** 20.923 (7) (intro.) of the statutes, as created by 2001 Wisconsin
6 Act 29, is renumbered 20.923 (7) and amended to read:

7 20.923 (7) DIRECTOR OF THE WISCONSIN TECHNICAL COLLEGE SYSTEM SENIOR
8 EXECUTIVE POSITIONS. The salary range for the director ~~and the executive assistant~~
9 of the Wisconsin Technical College System shall be contained in the
10 recommendations of the secretary of employment relations under s. 230.12 (3) (e).
11 The board of the Wisconsin Technical College System shall set the salaries for these
12 positions this position within the range to which the ~~positions are~~ position is
13 assigned to recognize merit, to permit orderly salary progression, and to recognize
14 competitive factors. The salary of any incumbent in the ~~positions identified in pars.~~
15 ~~(a) and (b)~~ position may not exceed the maximum of the salary range for the group
16 to which the position is assigned. ~~The positions are assigned as follows:~~

17 **SECTION 71bm.** 20.923 (7) (a) of the statutes is repealed.

18 **SECTION 71bp.** 20.923 (7) (b) of the statutes is repealed.

19 **SECTION 71d.** 20.923 (8) of the statutes is amended to read:

20 20.923 (8) DEPUTIES. Salaries for deputies appointed pursuant to ~~ss. s.~~ s. 13.94
21 (3) (b), ~~15.04 (2) and 551.51 (1)~~ shall be set by the appointing authority. The salary
22 shall not exceed the maximum of the salary range one range below the salary range
23 of the executive salary group to which the department or agency head is assigned.
24 ~~The positions of assistant secretary of state, assistant state treasurer and associate~~

1 ~~director of the historical society shall be treated as unclassified deputies for pay~~
2 ~~purposes under this subsection.~~

3 **SECTION 71dm.** 20.923 (9) of the statutes, as affected by 2001 Wisconsin Act
4 29, is repealed.

5 **SECTION 71e.** 20.923 (14) (a) of the statutes is amended to read:

6 20.923 **(14)** (a) Any adjustment of salary for any incumbent in a position
7 specified in subs. (4), (8), ~~(9)~~ and (12) is governed by the provisions of the
8 compensation plan concerning executive salary groups as adopted by the joint
9 committee on employment relations under s. 230.12 (3) (b).

10 **SECTION 71f.** 20.923 (15) (b) of the statutes, as affected by 2001 Wisconsin Act
11 29, is amended to read:

12 20.923 **(15)** (b) Except for the positions identified in subs. (4g), (5), and (7) ~~(b)~~,
13 the pay of any incumbent whose salary is subject to a limitation under this section
14 may not equal or exceed that amount paid the governor.”.

15 **121.** Page 24, line 18: after that line insert:

16 **“SECTION 71pc.** 21.18 (1) of the statutes is amended to read:

17 21.18 **(1)** The military staff of the governor shall consist of the adjutant general,
18 with a minimum rank of brigadier general; ~~a deputy adjutant general for army, who~~
19 ~~may be a general officer;~~ an assistant adjutant general, army, for readiness and
20 training, who may be a general officer; a deputy assistant adjutant general, army,
21 for readiness and training; ~~a deputy adjutant general for air, who may be a general~~
22 ~~officer;~~ a chief surgeon for army, who may be a general officer; a chief surgeon for air,
23 who may be a general officer; a staff judge advocate for army, who may be a general
24 officer; a staff judge advocate for air, who may be a general officer; a state chaplain,

1 who may be a general officer; and such other officers as the governor deems
2 necessary. Vacancies in positions other than those of the adjutant general shall be
3 filled through appointment by the adjutant general.

4 **SECTION 71ph.** 21.18 (3) of the statutes is amended to read:

5 21.18 (3) All staff officers appointed under sub. (1), except the adjutant general
6 whose tenure is governed by ss. 15.31 and 17.07 (5), shall hold their positions unless
7 terminated earlier by resignation, disability or for cause and unless federal
8 recognition of the officer's commission under 32 USC 323 is refused or withdrawn.
9 The governor shall remove an officer whose federal recognition is refused or
10 withdrawn, effective on the date of the loss of federal recognition. ~~The terms of the~~
11 ~~deputy adjutants general for army and air shall be 5 years beginning on the first day~~
12 ~~of the 7th month of the term of the adjutant general. The deputy adjutants general~~
13 ~~may be reappointed to successive terms.~~ Vacancies on the military staff of the
14 governor shall be filled by appointment from officers actively serving in the
15 Wisconsin national guard. Interim vacancies shall be filled by appointment by the
16 adjutant general for the residue of the unexpired term.

17 **SECTION 71pn.** 21.19 (5) of the statutes is amended to read:

18 21.19 (5) In the absence or incapacity of the adjutant general the senior
19 ranking deputy assistant adjutant general for army or air shall have all the powers
20 and duties of the adjutant general.

21 **SECTION 71r.** 21.20 of the statutes is amended to read:

22 **21.20 Civil service status.** All full-time state-paid employees of the
23 department of military affairs shall be under the classified service, except the
24 adjutant general, ~~the executive assistant to the adjutant general, the deputy~~

1 ~~adjutants general for army and air and the administrator of the division of~~
2 ~~emergency management.”.~~

3 **122.** Page 25, line 15: after that line insert:

4 “**SECTION 72fb.** Chapter 22 (title) of the statutes, as created by 2001 Wisconsin
5 Act 16, is repealed.

6 **SECTION 72fbm.** 22.01 (intro.) of the statutes is repealed.

7 **SECTION 72fc.** 22.01 (1), (2), (2m), (3) and (4) of the statutes, as affected by 2001
8 Wisconsin Act 16, are renumbered 16.97 (1m), (2), (2m), (3) and (4).

9 **SECTION 72fd.** 22.01 (5) of the statutes, as created by 2001 Wisconsin Act 16,
10 is repealed.

11 **SECTION 72fe.** 22.01 (5m) to (10) of the statutes, as affected by 2001 Wisconsin
12 Act 16, are renumbered 16.97 (5m) to (10).

13 **SECTION 72ff.** 22.03 (title) of the statutes, as affected by 2001 Wisconsin Act
14 16, is renumbered 16.971 (title) and amended to read:

15 **16.971 (title) Responsibilities of department division.**

16 **SECTION 72fg.** 22.03 (2) (intro.), (a) and (ae) of the statutes, as affected by 2001
17 Wisconsin Act 16, are renumbered 16.971 (2) (intro.), (a) and (ae) and amended to
18 read:

19 16.971 (2) (intro.) The ~~department~~ division shall:

20 (a) Ensure that an adequate level of information technology services is made
21 available to all agencies by providing systems analysis and application programming
22 services to augment agency resources, as requested. The ~~department~~ division shall
23 also ensure that executive branch agencies, other than the board of regents of the
24 University of Wisconsin System, make effective and efficient use of the information

1 technology resources of the state. The ~~department~~ division shall, in cooperation with
2 agencies, establish policies, procedures and planning processes, for the
3 administration of information technology services, which executive branch agencies
4 shall follow. The policies, procedures and processes shall address the needs of
5 agencies, other than the board of regents of the University of Wisconsin System, to
6 carry out their functions. The ~~department~~ division shall monitor adherence to these
7 policies, procedures and processes.

8 (ae) Except as provided in sub. (2m), review and approve, modify or reject all
9 forms approved by a records and forms officer for jurisdiction, authority,
10 standardization of design and nonduplication of existing forms. Unless the
11 ~~department~~ division rejects for cause or modifies the form within 20 working days
12 after receipt, it is considered approved. The ~~department's~~ division's rejection of any
13 form is appealable to the public records board. If the head of an agency certifies to
14 the ~~department~~ division that the form is needed on a temporary basis, approval by
15 the ~~department~~ division is not required.

16 **SECTION 72fh.** 22.03 (2) (am) to (k) of the statutes, as affected by 2001
17 Wisconsin Act 16, are renumbered 16.971 (2) (am) to (k).

18 **SECTION 72fi.** 22.03 (2) (L) to (m) of the statutes, as affected by 2001 Wisconsin
19 Act 16, are renumbered 16.971 (2) (L) to (m) and amended to read:

20 16.971 (2) (L) Require each executive branch agency, other than the board of
21 regents of the University of Wisconsin System, to adopt and submit to the
22 ~~department~~ division, in a form specified by the ~~department~~ division, no later than
23 March 1 of each year, a strategic plan for the utilization of information technology
24 to carry out the functions of the agency in the succeeding fiscal year for review and
25 approval under s. ~~22.13~~ 16.976.

1 (Lm) No later than 60 days after enactment of each biennial budget act, require
2 each executive branch agency, other than the board of regents of the University of
3 Wisconsin System, that receives funding under that act for an information
4 technology development project to file with the ~~department~~ division an amendment
5 to its strategic plan for the utilization of information technology under par. (L). The
6 amendment shall identify each information technology development project for
7 which funding is provided under that act and shall specify, in a form prescribed by
8 the ~~chief information officer~~ administrator, the benefits that the agency expects to
9 realize from undertaking the project.

10 (m) Assist in coordination and integration of the plans of executive branch
11 agencies relating to information technology approved under par. (L) and, using these
12 plans and the statewide long-range telecommunications plan under s. ~~22.41~~ 16.979
13 (2) (a), formulate and revise biennially a consistent statewide strategic plan for the
14 use and application of information technology. The ~~department~~ division shall, no
15 later than September 15 of each even-numbered year, submit the statewide strategic
16 plan to the cochairpersons of the joint committee on information policy and
17 technology and the governor.

18 **SECTION 72fj.** 22.03 (2) (n) of the statutes, as affected by 2001 Wisconsin Act
19 16, is renumbered 16.971 (2) (n).

20 **SECTION 72fk.** 22.03 (2m) (intro.) of the statutes, as affected by 2001 Wisconsin
21 Act 16, is renumbered 16.971 (2m) (intro.) and amended to read:

22 16.971 (2m) (intro.) The following forms are not subject to review or approval
23 by the ~~department~~ division:

24 **SECTION 72fL.** 22.03 (2m) (a) to (h) of the statutes, as affected by 2001
25 Wisconsin Act 16, are renumbered 16.971 (2m) (a) to (h).

1 **SECTION 72fm.** 22.03 (3) and (4) (a) of the statutes, as affected by 2001
2 Wisconsin Act 16, are renumbered 16.971 (3) and (4) (a) and amended to read:

3 16.971 **(3)** (a) The ~~chief information officer~~ administrator shall notify the joint
4 committee on finance in writing of the proposed acquisition of any information
5 technology resource that the ~~department~~ division considers major or that is likely to
6 result in a substantive change of service, and that was not considered in the regular
7 budgeting process and is to be financed from general purpose revenues or
8 corresponding revenues in a segregated fund. If the cochairpersons of the committee
9 do not notify the ~~chief information officer~~ administrator that the committee has
10 scheduled a meeting for the purpose of reviewing the proposed acquisition within 14
11 working days after the date of the ~~officer's~~ administrator's notification, the
12 ~~department~~ division may approve acquisition of the resource. If, within 14 working
13 days after the date of the ~~officer's~~ administrator's notification, the cochairpersons of
14 the committee notify the ~~officer~~ administrator that the committee has scheduled a
15 meeting for the purpose of reviewing the proposed acquisition, the ~~department~~
16 division shall not approve acquisition of the resource unless the acquisition is
17 approved by the committee.

18 (b) The ~~chief information officer~~ administrator shall promptly notify the joint
19 committee on finance in writing of the proposed acquisition of any information
20 technology resource that the ~~department~~ division considers major or that is likely to
21 result in a substantive change in service, and that was not considered in the regular
22 budgeting process and is to be financed from program revenues or corresponding
23 revenues from program receipts in a segregated fund.

24 **(4)** (a) The ~~department~~ division may license or authorize executive branch
25 agencies to license computer programs developed by executive branch agencies to the

1 federal government, other states and municipalities. Any agency other than an
2 executive branch agency may license a computer program developed by that agency
3 to the federal government, other states and municipalities.

4 **SECTION 72fn.** 22.03 (4) (b) and (c) and (6) of the statutes, as affected by 2001
5 Wisconsin Act 16, are renumbered 16.971 (4) (b) and (c) and (6).

6 **SECTION 72fo.** 22.03 (9) and (11) of the statutes, as affected by 2001 Wisconsin
7 Act 16, are renumbered 16.971 (9) and (11) and amended to read:

8 16.971 (9) In conjunction with the public defender board, the director of state
9 courts, the departments of corrections and justice and district attorneys, the
10 ~~department of electronic government~~ division may maintain, promote and
11 coordinate automated justice information systems that are compatible among
12 counties and the officers and agencies specified in this subsection, using the moneys
13 appropriated under s. ~~20.530~~ 20.505 (1) (ja), (kp) and (kq). The ~~department of~~
14 ~~electronic government~~ division shall annually report to the legislature under s.
15 13.172 (2) concerning the ~~department's~~ division's efforts to improve and increase the
16 efficiency of integration of justice information systems.

17 (11) The ~~department~~ division may charge executive branch agencies for
18 information technology development and management services provided to them by
19 the ~~department~~ division under this section.

20 **SECTION 72fp.** 22.05 (title) of the statutes, as affected by 2001 Wisconsin Act
21 16, is renumbered 16.972 (title) and amended to read:

22 **16.972 (title) Powers of the department division.**

23 **SECTION 72fq.** 22.05 (1) of the statutes, as affected by 2001 Wisconsin Act 16,
24 is renumbered 16.972 (1).

1 **SECTION 72fr.** 22.05 (2) (intro.) and (a) to (d) of the statutes, as affected by 2001
2 Wisconsin Act 16, are renumbered 16.972 (2) (intro.) and (a) to (d) and amended to
3 read:

4 16.972 **(2)** (intro.) The ~~department~~ division may:

5 (a) Provide such telecommunications services to agencies as the ~~department~~
6 division considers to be appropriate.

7 (b) Provide such computer services and telecommunications services to local
8 governmental units and the broadcasting corporation and provide such
9 telecommunications services to qualified private schools, postsecondary
10 institutions, museums and zoos, as the ~~department~~ division considers to be
11 appropriate and as the ~~department~~ division can efficiently and economically provide.

12 The ~~department~~ division may exercise this power only if in doing so it maintains the
13 services it provides at least at the same levels that it provides prior to exercising this
14 power and it does not increase the rates chargeable to users served prior to exercise
15 of this power as a result of exercising this power. The ~~department~~ division may
16 charge local governmental units, the broadcasting corporation, and qualified private
17 schools, postsecondary institutions, museums and zoos, for services provided to them
18 under this paragraph in accordance with a methodology determined by the chief
19 ~~information officer~~ administrator. Use of telecommunications services by a qualified
20 private school or postsecondary institution shall be subject to the same terms and
21 conditions that apply to a municipality using the same services. The department
22 shall prescribe eligibility requirements for qualified museums and zoos to receive
23 telecommunications services under this paragraph.

24 (c) Provide such supercomputer services to agencies, local governmental units
25 and entities in the private sector as the ~~department~~ division considers to be

1 appropriate and as the ~~department~~ division can efficiently and economically provide.
2 The ~~department~~ division may exercise this power only if in doing so it maintains the
3 services it provides at least at the same levels that it provides prior to exercising this
4 power and it does not increase the rates chargeable to users served prior to exercise
5 of this power as a result of exercising this power. The ~~department~~ division may
6 charge agencies, local governmental units and entities in the private sector for
7 services provided to them under this paragraph in accordance with a methodology
8 determined by the ~~chief information officer~~ administrator.

9 (d) Undertake such studies, contract for the performance of such studies, and
10 appoint such councils and committees for advisory purposes as the ~~department~~
11 division considers appropriate to ensure that the ~~department's~~ division's plans,
12 capital investments and operating priorities meet the needs of agencies local
13 governmental units and entities in the private sector served by the ~~department~~
14 division. The ~~department~~ division may compensate members of any council or
15 committee for their services and may reimburse such members for their actual and
16 necessary expenses incurred in the discharge of their duties.

17 **SECTION 72frm.** 22.05 (2) (e) of the statutes, as affected by 2001 Wisconsin Act
18 16, is renumbered 16.972 (2) (e).

19 **SECTION 72fs.** 22.05 (2) (f) and (g) of the statutes, as affected by 2001 Wisconsin
20 Act 16, are renumbered 16.972 (2) (f) and (g) and amended to read:

21 16.972 **(2)** (f) Acquire, operate, and maintain any information technology
22 equipment or systems required by the ~~department~~ division to carry out its functions,
23 and provide information technology development and management services related
24 to those information technology systems. The ~~department~~ division may assess
25 executive branch agencies, other than the board of regents of the University of

1 Wisconsin System, for the costs of equipment or systems acquired, operated,
2 maintained, or provided or services provided under this paragraph in accordance
3 with a methodology determined by the ~~chief information officer~~ administrator. The
4 ~~department~~ division may also charge any agency for such costs as a component of any
5 services provided by the ~~department~~ division to the agency.

6 (g) Assume direct responsibility for the planning and development of any
7 information technology system in the executive branch of state government outside
8 of the University of Wisconsin System that the ~~chief information officer~~
9 administrator determines to be necessary to effectively develop or manage the
10 system, with or without the consent of any affected executive branch agency. The
11 ~~department~~ division may charge any executive branch agency for the ~~department's~~
12 division's reasonable costs incurred in carrying out its functions under this
13 paragraph on behalf of that agency.

14 **SECTION 72ft.** 22.05 (2) (h) and (i) of the statutes, as created by 2001 Wisconsin
15 Act 16, are renumbered 16.972 (2) (h) and (i).

16 **SECTION 72fu.** 22.07 (intro.), (1) and (2) of the statutes, as affected by 2001
17 Wisconsin Act 16, are renumbered 16.973 (intro.), (1) and (2) and amended to read:

18 **16.973 Duties of the ~~department~~ division.** (intro.) The ~~department~~
19 division shall:

20 (1) Provide or contract with a public or private entity to provide computer
21 services to agencies. The ~~department~~ division may charge agencies for services
22 provided to them under this subsection in accordance with a methodology
23 determined by the ~~chief information officer~~ administrator.

1 **(2)** Promulgate methodologies for establishing all fees and charges established
2 or assessed by the department division or the chief information officer administrator
3 under this chapter.

4 **SECTION 72fv.** 22.07 (3) of the statutes, as affected by 2001 Wisconsin Act 16,
5 is renumbered 16.973 (3).

6 **SECTION 72fw.** 22.07 (4) to (8) of the statutes, as affected by 2001 Wisconsin Act
7 16, are renumbered 16.973 (4) to (8) and amended to read:

8 16.973 **(4)** Ensure responsiveness to the needs of agencies for delivery of
9 high-quality information technology processing services on an efficient and
10 economical basis, while not unduly affecting the privacy of individuals who are the
11 subjects of the information being processed by the department division.

12 **(5)** Utilize all feasible technical means to ensure the security of all information
13 submitted to the department division for processing by agencies, local governmental
14 units and entities in the private sector.

15 **(6)** With the advice of the ethics board, adopt and enforce standards of ethical
16 conduct applicable to its paid consultants which are similar to the standards
17 prescribed in subch. III of ch. 19, except that the department division shall not
18 require its paid consultants to file statements of economic interests.

19 **(7)** Prescribe and revise as necessary performance measures to ensure
20 financial controls and accountability, optimal personnel utilization, and customer
21 satisfaction for all information technology functions in the executive branch outside
22 of the University of Wisconsin System and annually, no later than March 31, report
23 to the joint committee on information policy and technology and the board
24 concerning the performance measures utilized by the department division and the

1 actual performance of the ~~department~~ division and the executive branch agencies
2 measured against the performance measures then in effect.

3 (8) Offer the opportunity to local governmental units to voluntarily obtain
4 computer or supercomputer services from the ~~department~~ division when those
5 services are provided under s. ~~22.05~~ 16.972 (2) (b) or (c), and to voluntarily
6 participate in any master contract established by the ~~department~~ division under s.
7 ~~22.05~~ 16.972 (2) (h) or in the use of any informational system or device provided by
8 the ~~department~~ division under ~~22.09~~ 16.974 (3).

9 SECTION 72fx. 22.07 (9) of the statutes, as created by 2001 Wisconsin Act 16,
10 is renumbered 16.973 (9).

11 SECTION 72fy. 22.09 (intro.) and (1) to (3) of the statutes, as created by 2001
12 Wisconsin Act 16, are renumbered 16.974 (intro.) and (1) to (3) and amended to read:

13 **16.974 Powers of the ~~chief information officer~~ administrator.** (intro.)
14 The ~~chief information officer~~ administrator may:

15 (1) Establish and collect assessments and charges for all authorized services
16 provided by the ~~department~~ division, subject to applicable agreements under sub.
17 (2).

18 (2) Subject to s. ~~22.05~~ 16.972 (2) (b), enter into and enforce an agreement with
19 any agency, any authority, any unit of the federal government, any local
20 governmental unit, or any entity in the private sector to provide services authorized
21 to be provided by the ~~department~~ department to that agency, authority, unit, or entity
22 at a cost specified in the agreement.

23 (3) Develop or operate and maintain any system or device facilitating Internet
24 or telephone access to information about programs of agencies, authorities, local
25 governmental units, or entities in the private sector, or otherwise permitting the

1 transaction of business by agencies, authorities, local governmental units, or entities
2 in the private sector by means of electronic communication. The chief information
3 officer administrator may assess executive branch agencies, other than the board of
4 regents of the University of Wisconsin System, for the costs of systems or devices that
5 are developed, operated, or maintained under this subsection in accordance with a
6 methodology determined by the officer administrator. The chief information officer
7 administrator may also charge any agency, authority, local governmental unit, or
8 entity in the private sector for such costs as a component of any services provided by
9 the department division to that agency, authority, local governmental unit, or entity.

10 **SECTION 72fz.** 22.09 (5) of the statutes, as created by 2001 Wisconsin Act 16,
11 is renumbered 16.974 (5).

12 **SECTION 72fza.** 22.11 of the statutes, as affected by 2001 Wisconsin Act 16, is
13 renumbered 16.975 and amended to read:

14 **16.975 Access to information.** The department division shall withhold from
15 access under s. 19.35 (1) all information submitted to the department division by
16 agencies, authorities, units of the federal government, local governmental units or
17 entities in the private sector for the purpose of processing. The department division
18 may not process such information without the consent of the agency, authority, unit
19 or other entity which submitted the information and may not withhold such
20 information from the agency, authority, unit or other entity or from any other person
21 authorized by the agency, authority, unit or entity to have access to the information.
22 The agency, authority, unit or other entity submitting the information remains the
23 custodian of the information while it is in the custody of the department division and
24 access to such information by that agency, authority, unit or entity or any other

1 person shall be determined by that agency, authority, unit or other entity and in
2 accordance with law.

3 **SECTION 72fzb.** 22.13 (title) of the statutes, as created by 2001 Wisconsin Act
4 16, is renumbered 16.976 (title).

5 **SECTION 72fzc.** 22.13 (1) of the statutes, as created by 2001 Wisconsin Act 16,
6 is renumbered 16.976 (1) and amended to read:

7 16.976 (1) As a part of each proposed strategic plan submitted under s. ~~22.03~~
8 16.971 (2) (L), the department division shall require each executive branch agency
9 to address the business needs of the agency and to identify all proposed information
10 technology development projects that serve those business needs, the priority for
11 undertaking such projects, and the justification for each project, including the
12 anticipated benefits of the project. Each proposed plan shall identify any changes
13 in the functioning of the agency under the plan. In each even-numbered year, the
14 plan shall include identification of any information technology development project
15 that the agency plans to include in its biennial budget request under s. 16.42 (1).

16 **SECTION 72fzd.** 22.13 (2) of the statutes, as created by 2001 Wisconsin Act 16,
17 is renumbered 16.976 (2).

18 **SECTION 72fze.** 22.13 (3) to (6) of the statutes, as created by 2001 Wisconsin
19 Act 16, are renumbered 16.976 (3) to (6) and amended to read:

20 16.976 (3) Following receipt of a proposed strategic plan from an executive
21 branch agency, the ~~chief information officer~~ administrator shall, before June 1, notify
22 the agency of any concerns that the ~~officer~~ administrator may have regarding the
23 plan and provide the agency with his or her recommendations regarding the
24 proposed plan. The ~~chief information officer~~ administrator may also submit any
25 concerns or recommendations regarding any proposed plan to the board for its

1 consideration. The board shall then consider the proposed plan and provide the chief
2 ~~information officer~~ administrator with its recommendations regarding the plan. The
3 executive branch agency may submit modifications to its proposed plan in response
4 to any recommendations.

5 (4) Before June 15, the ~~chief information officer~~ administrator shall consider
6 any recommendations provided by the board under sub. (3) and shall then approve
7 or disapprove the proposed plan in whole or in part.

8 (5) No executive branch agency, other than the board of regents of the
9 University of Wisconsin System, may implement a new or revised information
10 technology development project authorized under a strategic plan until the
11 implementation is approved by the ~~chief information officer~~ administrator in
12 accordance with procedures prescribed by the ~~officer~~ administrator.

13 (6) The ~~department~~ division shall consult with the joint committee on
14 information policy and technology in providing guidance for planning by executive
15 branch agencies.

16 **SECTION 72fzf.** 22.15 (intro.) of the statutes, as created by 2001 Wisconsin Act
17 16, is renumbered 16.977 (intro.) and amended to read:

18 **16.977 Information technology portfolio management.** (intro.) With the
19 assistance of executive branch agencies and the advice of the board, the ~~department~~
20 division shall manage the information technology portfolio of state government in
21 accordance with a management structure that includes all of the following:

22 **SECTION 72fzg.** 22.15 (1) to (3) of the statutes, as created by 2001 Wisconsin
23 Act 16, are renumbered 16.977 (1) to (3).

24 **SECTION 72fzh.** 22.17 (title) of the statutes, as created by 2001 Wisconsin Act
25 16, is renumbered 16.978 (title).

1 **SECTION 72fzi.** 22.17 (1) to (4) of the statutes, as created by 2001 Wisconsin Act
2 16, are renumbered 16.978 (1) to (4) and amended to read:

3 **16.978 (1)** The board shall provide the ~~chief information officer~~ administrator
4 with its recommendations concerning any elements of the strategic plan of an
5 executive branch agency that are referred to the board under s. ~~22.13~~ 16.976 (3).

6 **(2)** The board may advise the ~~chief information officer~~ administrator with
7 respect to management of the information technology portfolio of state government
8 under s. ~~22.15~~ 16.977.

9 **(3)** The board may, upon petition of an executive branch agency, review any
10 decision of the ~~chief information officer~~ administrator under this chapter affecting
11 that agency. Upon review, the board may affirm, modify, or set aside the decision. If
12 the board modifies or sets aside the decision of the ~~chief information officer~~
13 administrator, the decision of the board stands as the decision of the ~~chief~~
14 ~~information officer~~ administrator and the decision is not subject to further review or
15 appeal.

16 **(4)** The board may monitor progress in attaining goals for information
17 technology and telecommunications development set by the ~~chief information officer~~
18 administrator or executive branch agencies, other than the board of regents of the
19 University of Wisconsin System, and may make recommendations to the ~~officer~~
20 administrator or agencies concerning appropriate means of attaining those goals.

21 **SECTION 72fzj.** 22.19 of the statutes, as affected by 2001 Wisconsin Act 16, is
22 renumbered 16.9785 and amended to read:

23 **16.9785 Purchases of computers by teachers.** The department division
24 shall negotiate with private vendors to facilitate the purchase of computers and other
25 educational technology, as defined in s. 24.60 (1r), by public and private elementary

1 and secondary school teachers for their private use. The ~~department~~ division shall
2 attempt to make available types of computers and other educational technology
3 under this section that will encourage and assist teachers in becoming
4 knowledgeable about the technology and its uses and potential uses in education.

5 **SECTION 72fzk.** 22.41 (title) of the statutes, as affected by 2001 Wisconsin Act
6 16, is renumbered 16.979 (title).

7 **SECTION 72fzL.** 22.41 (2) (intro.) of the statutes, as affected by 2001 Wisconsin
8 Act 16, is renumbered 16.979 (2) (intro.) and amended to read:

9 16.979 (2) POWERS AND DUTIES. (intro.) The ~~department~~ division shall ensure
10 maximum utility, cost–benefit and operational efficiency of all telecommunications
11 systems and activities of this state, and those which interface with cities, counties,
12 villages, towns, other states and the federal government. The ~~department~~ division,
13 with the assistance and cooperation of all other agencies, shall:

14 **SECTION 72fzm.** 22.41 (2) (a) to (f) of the statutes, as affected by 2001 Wisconsin
15 Act 16, are renumbered 16.979 (2) (a) to (f).

16 **SECTION 72fzn.** 22.41 (3) of the statutes, as affected by 2001 Wisconsin Act 16,
17 is renumbered 16.979 (3) and amended to read:

18 16.979 (3) PRIVATE COLLEGE AND UNIVERSITY PARTICIPATION IN STATE
19 TELECOMMUNICATIONS NETWORK. The ~~department~~ division may allow regionally
20 accredited 4–year nonprofit colleges and universities that are incorporated in this
21 state or that have their regional headquarters and principal place of business in this
22 state to participate in any telecommunications network administered by the
23 ~~department~~ division.”.

24 **123.** Page 25, line 15: after that line insert:

1 “**SECTION 72f.** 21.48 (3) of the statutes is amended to read:

2 21.48 **(3)** The governor may order, with their consent, to active duty in the
3 department of military affairs, any departmental officers of the governor’s staff,
4 including the adjutant general ~~and the deputy adjutants general~~, and while so
5 assigned the officers shall receive the pay, but not the allowances, of an officer of
6 equal grade in the armed forces of the United States.”.

7 **124.** Page 25, line 16: delete lines 16 to 18.

8 **125.** Page 27, line 21: delete the material beginning with that line and ending
9 with page 28, line 2.

10 **126.** Page 28, line 2: after that line insert:

11 “**SECTION 72t.** 23.22 of the statutes is created to read:

12 **23.22 Invasive species. (1) DEFINITIONS.** In this section:

13 (a) “Control” means to cut, remove, destroy, suppress, or prevent the
14 introduction or spread of.

15 (b) “Council” means the invasive species council.

16 (c) “Invasive species” means nonindigenous species whose introduction causes
17 or is likely to cause economic or environmental harm or harm to human health.

18 (d) “State agency” means a board, commission, committee, department, or
19 office in the state government.

20 **(2) DEPARTMENT RESPONSIBILITIES.** (a) The department shall establish a
21 statewide program to control invasive species in this state.

22 (b) As part of the program established under par. (a), the department shall do
23 all of the following:

1 1. Create and implement a statewide management plan to control invasive
2 species in this state, which shall include inspections as specified under sub. (5).

3 2. Administer the program established under s. 23.24 as it relates to invasive
4 aquatic plants.

5 3. Encourage cooperation among state agencies and other entities to control
6 invasive species in this state.

7 4. Seek public and private funding for the program.

8 6. Promulgate rules to classify invasive species for purposes of the program.

9 In promulgating these rules, the department shall consider the recommendations of
10 the council under sub. (3) (a).

11 (c) Under the program established under par. (a), the department shall
12 promulgate rules to establish a procedure to award cost-sharing grants to public and
13 private entities for up to 50% of the costs of projects to control invasive species. Any
14 rules promulgated under this paragraph shall establish criteria for determining
15 eligible projects and eligible grant recipients and shall allow cost-share
16 contributions to be in the form of money or in-kind goods or services or any
17 combination thereof. In promulgating these rules, the department shall consider the
18 recommendations of the council under sub. (3) (c).

19 **(3) COUNCIL DUTIES.** (a) The council shall make recommendations to the
20 department for a system for classifying invasive species under the program
21 established under sub. (2). The recommendations shall contain criteria for each
22 classification to be used, the allowed activities associated with each classification,
23 criteria for determining state priorities for controlling invasive species under each
24 classification, and criteria for determining the types of actions to be taken in
25 response to the introduction or spread of a native species under each classification.

1 (b) Under the program established under sub. (2), the council shall conduct
2 studies of issues related to controlling invasive species. The studies shall address
3 all of the following:

4 1. The effect of the state's bait industry on the introduction and spread of
5 invasive species.

6 2. The effect of the state's pet industry on the introduction and spread of
7 invasive species.

8 3. The acquisition of invasive species through mail order and Internet sales.

9 4. Any other issue as determined by the council.

10 (c) The council shall make recommendations to the department on the
11 establishment of a procedure for awarding cost-sharing grants under sub. (2) (c) to
12 public and private entities for up to 50% of the costs of eligible projects to control
13 invasive species. The recommendations shall contain criteria for determining
14 eligibility for these grants and for determining which applicants should be awarded
15 the grants.

16 (d) To assist the council in its work, the council shall create 4 subcommittees
17 on the subjects of education, research, regulation, and interagency coordination. The
18 council may create additional subcommittees on other subjects.

19 **(5) INSPECTIONS.** As part of the statewide management plan, the department
20 shall create a watercraft inspection program under which the department shall
21 conduct periodic inspections of boats, boating equipment, and boat trailers entering
22 and leaving navigable waters and shall educate boaters about the threat of invasive
23 species that are aquatic species. The department shall encourage the use of
24 volunteers or may use department employees for these inspections.

1 **(6) REPORTS.** (a) The department shall submit to the legislature under s. 13.172
2 (2), and to the governor and the council, a biennial report that includes all of the
3 following:

4 1. Details on the administration of the program established under sub. (2),
5 including an assessment as to the progress that is being made in controlling invasive
6 species in this state.

7 2. A description of state funding that has been expended under the program.

8 3. A description of funding from other sources that has been expended to control
9 invasive species in this state.

10 4. An assessment of the future needs of the program.

11 (b) The department shall submit the biennial report under par. (a) before July
12 1 of each even-numbered year. The first biennial report shall be submitted no later
13 than July 1, 2004. Each report shall cover the 24-month period ending on the March
14 31 that immediately precedes the date of the report.

15 (c) In addition to the report required under par. (a), the department shall
16 submit an interim performance report to the legislature under s. 13.172 (2), and to
17 the governor and the council, on the progress that has been made on the control of
18 invasive species. The department shall submit this interim performance report
19 before July 1 of each odd-numbered year. The first interim performance report shall
20 be submitted no later than July 1, 2005. Each interim performance report shall cover
21 the 12-month period ending on the March 31 that immediately precedes the date of
22 the interim performance report.

23 **(7) APPEARANCE BEFORE LEGISLATURE.** Upon request of a standing committee of
24 the legislature with jurisdiction over matters related to the environment, natural
25 resources, or agriculture, the director of the program shall appear to testify.

1 **SECTION 72td.** 23.23 (title) of the statutes is repealed.

2 **SECTION 72tj.** 23.23 (1) of the statutes is renumbered 23.235 (1) (b) and
3 amended to read:

4 23.235 (1) (b) ~~In this section, “purple~~ “Purple loosestrife” means any nonnative
5 member of the genus *Lythrum*.

6 **SECTION 72tm.** 23.23 (2) of the statutes is renumbered 23.235 (3m) and
7 amended to read:

8 23.235 (3m) RESEARCH. ~~The~~ Under the program established under s. 23.22, the
9 department shall make a reasonable effort to conduct research to determine
10 alternative methods to contain and control purple loosestrife in the most
11 environmentally sound manner and may conduct other research on the control of
12 nuisance weeds. The secretaries of natural resources and of agriculture, trade and
13 consumer protection may authorize any person to plant or cultivate nuisance weeds
14 for the purpose of controlled experimentation.

15 **SECTION 72tq.** 23.23 (3) (a) of the statutes is renumbered 23.235 (2m) (a) and
16 amended to read:

17 23.235 (2m) (a) ~~The~~ Under the program established under s. 23.22, the
18 department shall make a reasonable effort to develop a statewide program plan to
19 control purple loosestrife on both public and private lands, as provided in this
20 subsection.

21 **SECTION 72tv.** 23.23 (3) (b) of the statutes is renumbered 23.235 (2m) (b) and
22 amended to read:

23 23.235 (2m) (b) The department shall make a reasonable effort to implement
24 control and quarantine methods on public lands as soon as practicable. The
25 department shall make a reasonable effort to employ the least environmentally

1 harmful methods available that are effective, based on research conducted under
2 sub. ~~(2)~~ (3m).

3 **SECTION 72ud.** 23.23 (3) (c) of the statutes is renumbered 23.235 (2m) (c).

4 **SECTION 72uj.** 23.23 (3) (d) of the statutes is renumbered 23.235 (2m) (d).

5 **SECTION 72um.** 23.23 (3) (e) of the statutes is renumbered 23.235 (2m) (e).

6 **SECTION 72uq.** 23.23 (4) (a) of the statutes is renumbered 23.235 (4) (a) and
7 amended to read:

8 23.235 (4) (a) ~~The~~ Under the program established under s. 23.22, the
9 department shall make a reasonable effort to develop a statewide education ~~program~~
10 effort on the effects of ~~purple loosestrife~~ nuisance weeds, as provided in this
11 subsection.

12 **SECTION 72uv.** 23.23 (4) (b) of the statutes is renumbered 23.235 (4) (b) and
13 amended to read:

14 23.235 (4) (b) The department shall make a reasonable effort to educate the
15 authorities in charge of the maintenance of all federal, state and county trunk
16 highways and all forest and park land in this state on methods to identify and control
17 ~~purple loosestrife and multiflora rose~~ nuisance weeds. The department of
18 transportation and all other authorities in charge of the maintenance of highways,
19 forests and parks may cooperate with the department in efforts under this
20 paragraph.

21 **SECTION 72vd.** 23.23 (4) (c) of the statutes is renumbered 23.235 (4) (c).

22 **SECTION 72vj.** 23.235 (1) of the statutes is renumbered 23.235 (1) (intro.) and
23 amended to read:

24 23.235 (1) DEFINITIONS. (intro.) In this section, ~~“nuisance;~~

1 (a) “Nuisance weeds” means any ~~nonnative member of the genus Lythrum~~
2 (~~purple loosestrife~~) or hybrids thereof and multiflora rose.

3 **SECTION 72vm.** 23.235 (2) of the statutes, as affected by 2001 Wisconsin Act
4 16, is amended to read:

5 23.235 (2) PROHIBITION. Except as provided in sub. (3) (3m), no person may sell,
6 offer for sale, distribute, plant, or cultivate any multiflora rose or seeds thereof.

7 **SECTION 72vq.** 23.235 (2m) (title) of the statutes is created to read:

8 23.235 (2m) (title) CONTROL EFFORTS.

9 **SECTION 72vv.** 23.235 (3) of the statutes is repealed.

10 **SECTION 72wd.** 23.235 (4) (title) of the statutes is created to read:

11 23.235 (4) (title) EDUCATION.

12 **SECTION 72wj.** 23.235 (5) of the statutes is amended to read:

13 23.235 (5) PENALTY. Any person who knowingly violates ~~this section~~ sub. (2)
14 shall forfeit not more than \$100. Each violation of this section is a separate offense.

15 **SECTION 72wm.** 23.24 (1) (g) of the statutes, as created by 2001 Wisconsin Act
16 16, is amended to read:

17 23.24 (1) (g) “Invasive aquatic plant” means an aquatic plant that is designated
18 under sub. (2) (b) 1.

19 **SECTION 72wq.** 23.24 (2) (title) of the statutes, as created by 2001 Wisconsin
20 Act 16, is repealed and recreated to read:

21 23.24 (2) (title) DEPARTMENT DUTIES.

22 **SECTION 72wv.** 23.24 (2) (a) 1. of the statutes, as created by 2001 Wisconsin Act
23 16, is amended to read:

24 23.24 (2) (a) 1. ~~Protect~~ Implement efforts to protect and develop diverse and
25 stable communities of native aquatic plants.

1 **SECTION 72xd.** 23.24 (2) (a) 3. of the statutes, as created by 2001 Wisconsin Act
2 16, is renumbered 23.22 (2) (b) 5. and amended to read:

3 23.22 **(2)** (b) 5. Provide education and encourage and conduct research
4 concerning invasive aquatic plants species.

5 **SECTION 72xj.** 23.24 (2) (b) (intro.) and 1. of the statutes, as created by 2001
6 Wisconsin Act 16, are consolidated, renumbered 23.24 (2) (b) and amended to read:

7 23.24 **(2)** (b) Under the program implemented under par. (a), the department
8 shall ~~do all of the following:~~ 1. ~~Designate~~ designate by rule which aquatic plants are
9 invasive aquatic plants for purposes of this section. The department shall designate
10 Eurasian water milfoil, curly leaf pondweed, and purple loosestrife as invasive
11 aquatic plants and may designate any other aquatic plant as an invasive aquatic
12 plant if it has the ability to cause significant adverse change to desirable aquatic
13 habitat, to significantly displace desirable aquatic vegetation, or to reduce the yield
14 of products produced by aquaculture.

15 **SECTION 72xm.** 23.24 (2) (b) 2. of the statutes, as created by 2001 Wisconsin
16 Act 16, is renumbered 23.24 (2) (a) 4.

17 **SECTION 72xq.** 23.24 (2) (c) (intro.) of the statutes, as created by 2001 Wisconsin
18 Act 16, is amended to read:

19 23.24 **(2)** (c) (intro.) The requirements promulgated under par. ~~(b) 2.~~ (a) 4. may
20 specify any of the following:

21 **SECTION 72xv.** 23.24 (3) (a) (intro.) of the statutes, as created by 2001 Wisconsin
22 Act 16, is amended to read:

23 23.24 **(3)** (a) (intro.) Unless a person has a valid aquatic plant management
24 permit issued ~~under the program established under sub. (2) by the department,~~ no
25 person may do any of the following:”.

1 **127.** Page 28, line 8: after that line insert:

2 “**SECTION 80m.** 25.42 of the statutes is amended to read:

3 **25.42 Wisconsin election campaign fund.** All moneys appropriated under
4 s. 20.855 (4) (b) and (ba) together with all moneys deposited under ss. 8.35 (4) (a),
5 11.07 (5), 11.12 (2), 11.16 (2), 11.19 (1), 11.23 (2), and 11.38 (6), all moneys reverting
6 to the state under s. 11.50 (8) and all gifts, bequests and devises received under s.
7 11.50 (13) constitute the Wisconsin election campaign fund, to be expended for the
8 purposes of s. 11.50. All moneys in the fund not disbursed by the state treasurer shall
9 continue to accumulate indefinitely.”.

10 **128.** Page 28, line 8: after that line insert:

11 “**SECTION 78r.** 25.17 (71) of the statutes is created to read:

12 25.17 (71) (a) Before June 30, 2004, make an effort to commit to invest an
13 amount not less than \$50,000,000 in venture capital investment firms. The amount
14 that is committed to be invested under this paragraph shall be in addition to any
15 amount that is invested in venture capital investment firms before the effective date
16 of this paragraph [revisor inserts date]. In selecting the venture capital
17 investment firms in which to make investments, the board is subject to the standard
18 of responsibility under s. 25.15 (2) and shall consider all of the following factors:

19 1. The experience of the venture capital investment firms in making
20 investments.

21 2. The commitment of the venture capital investment firms to making venture
22 capital investments in health care, biotechnology, and other technological
23 industries.

1 3. The willingness of the venture capital investment firms to make at least 75%
2 of the investments in businesses headquartered in this state.

3 4. Whether the venture capital investment firms have a place of business in this
4 state.

5 5. The overall experience of the venture capital investment firms in making
6 investments in businesses that are in the venture capital stage.

7 6. The relationships that the venture capital investment firms have with
8 technology transfer organizations, such as the Wisconsin Alumni Research
9 Foundation, Inc.

10 7. The ability of the venture capital investment firms to do lead and follow-on
11 investments.

12 (b) Any venture capital investment firm in which the investment board makes
13 an investment under par. (a) shall make an effort to invest in businesses located in
14 the areas of Green Bay, Eau Claire, Madison, Janesville–Beloit, La Crosse, Stevens
15 Point–Marshfield, Racine–Kenosha, Milwaukee, Sheboygan–Manitowoc, Superior,
16 the Fox River Valley, and Wausau and within the boundaries of any federally
17 recognized Indian reservation. The investment board shall determine the
18 geographic boundaries of each area.

19 (c) Nothing in this subsection limits the authority of the board to make any
20 other investments that are otherwise authorized by law or restricts the authority of
21 the board or any venture capital investment firm to make investments in any area
22 of this state.”.

23 **129.** Page 28, line 8: after that line insert:

24 “**SECTION 78e.** 25.156 (3) of the statutes is amended to read:

1 25.156 (3) The members of the board shall appoint an investment director ~~or~~
2 ~~the executive assistant to the executive director~~, internal auditor, chief investment
3 officer, chief financial officer, chief legal counsel or chief risk officer to act as assistant
4 director, except that until the appointment is made by the members of the board, the
5 executive director may temporarily designate the assistant director.

6 **SECTION 78m.** 25.156 (4) of the statutes is amended to read:

7 25.156 (4) The members of the board shall promulgate rules restricting the
8 executive director, ~~executive assistant to the executive director~~, internal auditor,
9 chief investment officer, chief financial officer, chief legal counsel, chief risk officer,
10 investment directors and employees from having financial interest, directly or
11 indirectly, in firms or corporations providing services to the department and
12 governing the receipt of gifts or favors therefrom, and also governing personal
13 investments of all employees including the executive director, executive assistant to
14 the executive director, internal auditor, chief investment officer, chief financial
15 officer, chief legal counsel, chief risk officer and investment directors to prevent
16 conflicts of interest.

17 **SECTION 78p.** 25.16 (3) of the statutes is repealed.”.

18 **130.** Page 28, line 12: delete the material beginning with that line and ending
19 with page 29, line 3.

20 **131.** Page 29, line 17: after that line insert:

21 “**SECTION 84r.** 29.924 (2) of the statutes is amended to read:

22 29.924 (2) DRIVING WITHOUT HEADLIGHTS. In the performance of their law
23 enforcement duties, wardens may operate motor vehicles owned or leased by the
24 department upon a highway, other than an interstate, a state trunk highway or any

1 highway within the limits of any incorporated area, during hours of darkness or at
2 any time that a windshield wiper is being used on the windshield of the vehicle,
3 without lighted headlamps, tail lamps or clearance lamps, contrary to s. 347.06 or
4 347.065, if the driving will aid in the accomplishment of a lawful arrest for violation
5 of this chapter or in ascertaining whether a violation of this chapter has been or is
6 about to be committed. Any civil action or proceeding brought against any warden
7 operating a motor vehicle under this subsection is subject to ss. 893.82 and 895.46.”.

8 **132.** Page 29, line 17: after that line insert:

9 “SECTION 84jc. 29.063 of the statutes is created to read:

10 **29.063 Testing for chronic wasting disease.** The department may expend
11 up to \$1,000,000 from the appropriation under s. 20.370 (5) (fq) to conduct tests for
12 chronic wasting disease in deer and elk found in the wild and in captive cervids.

13 **SECTION 84mg.** 29.889 (2) (d) of the statutes is renumbered 29.889 (2) (d) 1.

14 **SECTION 84mh.** 29.889 (2) (d) 2. of the statutes is created to read:

15 29.889 (2) (d) 2. The department shall make payments from the appropriation
16 under s. 20.370 (5) (fq) for county administrative costs under subd. 1. after first
17 deducting from the appropriation under s. 20.370 (5) (fq) the moneys expended for
18 the testing of chronic wasting disease under s. 29.063. If the amount remaining after
19 this deduction from the appropriation under s. 20.370 (5) (fq) is not sufficient to pay
20 the full amount required under subd. 1., the department shall pay for the county
21 administrative costs on a prorated basis.

22 **SECTION 84mn.** 29.889 (5) (c) of the statutes is renumbered 29.889 (5) (c) 1.

23 **SECTION 84mo.** 29.889 (5) (c) 2. of the statutes is created to read:

1 29.889 (5) (c) 2. The department shall make payments from the appropriation
2 under s. 20.370 (5) (fq) for wildlife damage abatement assistance under subd. 1. after
3 first deducting from the appropriation under s. 20.370 (5) (fq) moneys expended for
4 the testing of chronic wasting disease under s. 29.063 and payments made for county
5 administrative costs under sub. (2) (d). If the amount remaining after these
6 deductions from the appropriation under s. 20.370 (5) (fq) is not sufficient to pay the
7 full amount required under subd. 1., the department shall pay for the abatement
8 measures on a prorated basis.

9 **SECTION 84mv.** 29.889 (7) (d) 2. of the statutes is amended to read:

10 29.889 (7) (d) 2. The department shall pay claimants under subd. 1. from the
11 appropriation under s. 20.370 (5) (fq) after first deducting from the appropriation
12 under s. 20.370 (5) (fq) moneys expended for the testing of chronic wasting disease
13 under s. 29.063, payments made for county administrative costs under sub. (2) (d),
14 and payments made for wildlife damage abatement assistance under sub. (5) (c). If
15 the amount remaining after these deductions from the appropriation under s. 20.370
16 (5) (fq) are is not sufficient to pay the full amount required under subd. 1., the
17 department shall pay claimants on a prorated basis.

18 **SECTION 84p.** 29.89 (5) (b) 2. c. of the statutes is amended to read:

19 29.89 (5) (b) 2. c. Moneys are available from the appropriation under s. 20.370
20 (5) (fq) after first deducting from the appropriation under s. 20.370 (5) (fq) moneys
21 expended for the testing of chronic wasting disease under s. 29.063, payments made
22 for county administrative costs, payments made for wildlife damage abatement
23 assistance, and wildlife damage claim payments under s. 29.889.”.

24 **133.** Page 29, line 17: after that line insert:

1 “**SECTION 84m.** 29.038 (1) (a) of the statutes, as affected by 2001 Wisconsin Act
2 16, is amended to read:

3 29.038 **(1)** (a) “Local governmental unit” has the meaning given in s. ~~22.01~~
4 16.97 (7).”.

5 **134.** Page 30, line 17: after that line insert:

6 “**SECTION 88p.** 30.46 (1) (a) of the statutes is amended to read:

7 30.46 **(1)** (a) The development and use comply with the rules for the soil and
8 water resource management program promulgated by ~~the department of~~
9 agriculture, trade and consumer protection under s. 92.14; and

10 **SECTION 88pm.** 30.46 (2) of the statutes is amended to read:

11 30.46 **(2)** Notwithstanding sub. (1) (b), a person is not required to comply with
12 rules for the soil and water resource management program promulgated under s.
13 92.14 by ~~the department of agriculture, trade and consumer protection~~ for land in the
14 riverway and that is in agricultural use on October 31, 1989.”.

15 **135.** Page 30, line 17: after that line insert:

16 “**SECTION 88g.** 30.1255 (title) of the statutes is amended to read:

17 **30.1255** (title) **Control Report on control of aquatic nuisance species.**

18 **SECTION 88q.** 30.1255 (3) (b) of the statutes is amended to read:

19 30.1255 **(3)** (b) The department shall submit the first report under par. (a)
20 before July 1, 1994 2002, and shall submit subsequent reports before July 1 of each
21 even-numbered year thereafter as part of the biennial report under s. 23.22 (6).

22 **SECTION 88r.** 30.1255 (3) (c) of the statutes is repealed.”.

23 **136.** Page 30, line 17: after that line insert:

24 “**SECTION 88b.** 30.01 (6a) of the statutes is created to read:

1 30.01 **(6a)** “Solid pier” means a pier that prevents the free movement of water
2 underneath the pier, including a pier that has a rock-filled crib or similar device as
3 a foundation.

4 **SECTION 88f.** 30.12 (1) (intro.) of the statutes is amended to read:

5 30.12 **(1)** GENERAL PROHIBITION (intro.) Except as provided under ~~subs. sub.~~ (4)
6 ~~and (4m)~~, unless a permit has been granted by the department pursuant to statute
7 or the legislature has otherwise authorized structures or deposits in navigable
8 waters, it is unlawful:

9 **SECTION 88g.** 30.12 (2) of the statutes is amended to read:

10 30.12 **(2)** PERMITS TO PLACE STRUCTURES OR DEPOSITS IN NAVIGABLE WATERS;
11 GENERALLY. The department, upon application and after proceeding in accordance
12 with s. 30.02 (3) and (4), may grant to any riparian owner a permit to build or
13 maintain for the owner’s use a structure otherwise prohibited under sub. (1), if the
14 structure does not materially obstruct navigation or reduce the effective flood flow
15 capacity of a stream and is not detrimental to the public interest. ~~The procedures~~
16 ~~in this subsection do not apply to permits issued under sub. (3)~~ Beginning on the
17 effective date of this subsection [revisor inserts date], this subsection does not
18 apply to solid piers.

19 **SECTION 88j.** 30.12 (2g) of the statutes is created to read:

20 30.12 **(2g)** SOLID PIERS IN NAVIGABLE WATERS. (a) Beginning on the effective date
21 of this paragraph [revisor inserts date], a person may not build or place a solid pier
22 extending beyond the ordinary high-water mark of any navigable water, unless the
23 department issues a permit as provided under par. (b).

24 (b) Beginning on the effective date of this paragraph [revisor inserts date],
25 the department, upon application and after proceeding in accordance with s. 30.02

1 (3) and (4), may grant to any riparian owner a permit to build or place for the owner's
2 use a solid pier extending beyond the ordinary high-water mark of any navigable
3 water, if the structure does not materially obstruct navigation, does not reduce the
4 effective flood flow capacity of a stream, is not detrimental to the public interest, and
5 is used in association with a marina, boat livery, or harbor of refuge to which the
6 riparian owner provides the public access without restriction other than requiring
7 the payment of a reasonable mooring or anchoring fee.

8 (c) The riparian owner of any solid pier extending beyond the ordinary
9 high-water mark that was built or placed before the effective date of this paragraph
10 [revisor inserts date], and for which the department issued a permit may repair
11 and maintain the solid pier if the cost of the repair or maintenance does not exceed
12 50% of the equalized assessed value of the solid pier at the time of the repair or
13 maintenance. If the solid pier is not subject to assessment, the riparian owner may
14 make repairs to or maintain the pier if the cost of the repair or maintenance does not
15 exceed 50% of the current fair market value of the solid pier.

16 **SECTION 88L.** 30.12 (2r) of the statutes is created to read:

17 30.12 (2r) APPLICABILITY OF PROCEDURES. The procedures in sub. (3) do not apply
18 to permits issued under sub. (2) or (2g).

19 **SECTION 88n.** 30.12 (4m) of the statutes is repealed.

20 **SECTION 88r.** 30.2037 of the statutes is repealed.”.

21 **137.** Page 31, line 8: after that line insert:

22 “**SECTION 92m.** 31.02 (4g) of the statutes is repealed.”.

23 **138.** Page 31, line 17: after that line insert:

24 “**SECTION 93m.** 36.25 (38) (a) of the statutes is amended to read:

1 36.25 **(38)** (a) In this subsection, “educational technology” has the meaning
2 given in s. 44.70 (3) 115.997 (3).”.

3 **139.** Page 31, line 17: after that line insert:

4 “**SECTION 93c.** 36.25 (7) of the statutes is amended to read:

5 36.25 **(7)** SOIL AND WATER CONSERVATION. The board is responsible for research
6 and educational programs regarding soil and water conservation. The board shall
7 cooperate with the land and water conservation board, the department of
8 ~~agriculture, trade and consumer protection~~ natural resources and the counties in
9 carrying out its soil and water conservation programs. The board shall prepare
10 annually a written program of planned educational activities in soil and water
11 conservation.”.

12 **140.** Page 31, line 17: after that line insert:

13 “**SECTION 93m.** 36.25 (38) (b) 6. of the statutes, as affected by 2001 Wisconsin
14 Act 16, is amended to read:

15 36.25 **(38)** (b) 6. To pay the department of ~~electronic government~~
16 administration for telecommunications services provided under s. ~~22.05~~ 16.972 (1).”.

17 **141.** Page 31, line 17: after that line insert:

18 “**SECTION 93f.** 36.34 (1) (c) of the statutes is created to read:

19 36.34 **(1)** (c) 1. In this paragraph:

20 a. For purposes of determining the appropriation under s. 20.285 (4) (dd) for
21 fiscal year 2003–04, “base amount” means the amount shown in the schedule under
22 s. 20.005 for that appropriation for fiscal year 2002–03.

1 b. For purposes of determining the appropriation under s. 20.285 (4) (dd) for
2 each fiscal year after fiscal year 2003–04, “base amount” means the appropriation
3 determined under subd. 2. for the previous fiscal year.

4 2. Annually, by February 1, the board shall determine the appropriation under
5 s. 20.285 (4) (dd) for the next fiscal year as follows:

6 a. The board shall determine the percentage by which the undergraduate
7 academic fees charged for the current academic year at each institution within the
8 University of Wisconsin System has increased or decreased from the undergraduate
9 academic fees charged for the previous academic year.

10 b. The appropriation for the next fiscal year shall be the result obtained by
11 increasing, to the nearest \$100, the base amount by the highest percentage increase
12 determined under subd. 2. a., except that, if the undergraduate academic fees for the
13 current academic year decreased or did not change from the undergraduate
14 academic fees charged for the previous academic year at each institution specified
15 in subd. 2. a., the appropriation shall be the base amount.”.

16 **142.** Page 31, line 17: after that line insert:

17 “**SECTION 93m.** 38.04 (2m) of the statutes is repealed.”.

18 **143.** Page 32, line 15: after that line insert:

19 “**SECTION 99r.** 39.435 (7) of the statutes is created to read:

20 39.435 (7) (a) In this subsection:

21 1. For purposes of determining the appropriation under s. 20.235 (1) (fe) for
22 fiscal year 2003–04, “base amount” means the amount shown in the schedule under
23 s. 20.005 for that appropriation for fiscal year 2002–03.

1 2. For purposes of determining the appropriation under s. 20.235 (1) (fe) for
2 each fiscal year after fiscal year 2003–04, “base amount” means the maximum
3 appropriation amount determined under par. (b) for the previous fiscal year.

4 (b) Annually, by February 1, the board shall determine the appropriation under
5 s. 20.235 (1) (fe) for the next fiscal year as follows:

6 1. The board shall determine the percentage by which the undergraduate
7 academic fees charged for the current academic year at each institution within the
8 University of Wisconsin System has increased or decreased from the undergraduate
9 academic fees charged for the previous academic year.

10 2. The appropriation for the next fiscal year shall be the result obtained by
11 increasing, to the nearest \$100, the base amount by the highest percentage increase
12 determined under subd. 1., except that, if the undergraduate academic fees for the
13 current academic year decreased or did not change from the undergraduate
14 academic fees charged for the previous academic year at each institution specified
15 in subd. 1., the appropriation shall be the base amount.”.

16 **144.** Page 32, line 15: after that line insert:

17 “**SECTION 99e.** 39.13 (2) of the statutes is amended to read:

18 39.13 (2) The executive director may employ a deputy director, ~~the number of~~
19 ~~division administrators specified in s. 230.08 (2) (e)~~ and 11 professional staff
20 members outside the classified service. Subject to authorization under s. 16.505, the
21 executive director may employ additional professional staff members for
22 development and grant projects outside the classified service or for other purposes
23 within the classified service.

24 **SECTION 99r.** 40.02 (17) (e) of the statutes is amended to read:

1 40.51 **(8)** Every health care coverage plan offered by the state under sub. (6)
2 shall comply with ss. 631.89, 631.90, 631.93 (2), 631.95, 632.72 (2), 632.746 (1) to (8)
3 and (10), 632.747, 632.748, 632.83, 632.835, 632.85, 632.853, 632.855, 632.87 (3) to
4 (5), 632.89, 632.895 (5m) and (8) to ~~(14)~~ (15), and 632.896.

5 **SECTION 100hp.** 40.51 (8m) of the statutes is amended to read:

6 40.51 **(8m)** Every health care coverage plan offered by the group insurance
7 board under sub. (7) shall comply with ss. 631.95, 632.746 (1) to (8) and (10), 632.747,
8 632.748, 632.83, 632.835, 632.85, 632.853, 632.855, 632.89, and 632.895 (11) to ~~(14)~~
9 (15).”.

10 **147.** Page 32, line 23: after that line insert:

11 “**SECTION 100ic.** 40.98 (2) (h) of the statutes is created to read:

12 40.98 **(2)** (h) The department may seek funding from any person for the
13 payment of costs of designing, marketing, and contracting for or providing
14 administrative services under the health care coverage program and for lapsing to
15 the general fund any amount required under sub. (6m). Any moneys received by the
16 department under this paragraph shall be credited to the appropriation account
17 under s. 20.515 (2) (g).

18 **SECTION 100ix.** 40.98 (6m) of the statutes is created to read:

19 40.98 **(6m)** The secretary of administration shall lapse from the appropriation
20 under s. 20.515 (2) (g) to the general fund the amounts necessary to repay the loan
21 under s. 601.34 when the secretary of administration, after consulting with the
22 board, determines that funds in the appropriation under s. 20.515 (2) (g) are
23 sufficient to make the lapse. The amounts that are required to be lapsed under s.
24 20.515 (2) (g) shall equal the amount necessary to pay all principal and interest costs

1 on the loan, less any amount that is lapsed to the general fund under s. 20.515 (2)
2 (a) at the end of the 2001–03 fiscal biennium. The secretary of administration may
3 lapse the amounts under s. 20.515 (2) (g) in installments.”.

4 **148.** Page 32, line 23: after that line insert:

5 “SECTION 100h. 40.02 (30) of the statutes, as affected by 2001 Wisconsin Act
6 (this act), is amended to read:

7 40.02 (30) “Executive participating employee” means a participating employee
8 in a position designated under s. 19.42 (10) (L) or 20.923 (4), (4g), (7), or (8), ~~or~~ (9) ~~or~~
9 authorized under s. 230.08 (2) (e) during the time of employment. All service credited
10 prior to May 17, 1988, as executive service as defined under s. 40.02 (31), 1985 stats.,
11 shall continue to be treated as executive service as defined under s. 40.02 (31), 1985
12 stats., but no other service rendered prior to May 17, 1988, may be changed to
13 executive service as defined under s. 40.02 (31), 1985 stats.”.

14 **149.** Page 32, line 23: after that line insert:

15 “SECTION 100hn. 41.11 (6) of the statutes is created to read:

16 41.11 (6) BADGER STATE GAMES GRANTS. From the appropriation under s. 20.380
17 (1) (b), the department shall provide grants for the operation of the badger state
18 games.”.

19 **150.** Page 32, line 23: after that line insert:

20 “SECTION 100i. 40.05 (2) (h) of the statutes is created to read:

21 40.05 (2) (h) 1. Beginning on the January 1 that first occurs after the actuary
22 completes the valuation required under 2001 Wisconsin Act (this act), section
23 9116 (1q) (f), contributions shall be made for state agencies in a percentage of the
24 earnings of each participating employee to reflect the cost of providing the retirement

1 benefits under 2001 Wisconsin Act (this act), section 9116 (1q), and any
2 contribution rate shall be sufficient to amortize, as a level percent of payroll, the
3 unfunded liability of the state agencies over the remainder of the 10–year
4 amortization period specified in the valuation prepared under 2001 Wisconsin Act
5 (this act), section 9116 (1q) (f).

6 2. Beginning on the January 1 that first occurs after the actuary completes the
7 valuation required under 2001 Wisconsin Act (this act), section 9116 (1q) (f),
8 contributions shall be made for employers that make an election under 2001
9 Wisconsin Act (this act), section 9116 (1q) (e) in a percentage of the earnings of
10 each participating employee to reflect the cost of providing the retirement benefits
11 under 2001 Wisconsin Act (this act), section 9116 (1q) (c), and any contribution
12 rate shall be sufficient to amortize, as a level percent of payroll, the unfunded
13 liability of the employers over the remainder of the 10–year amortization period
14 specified in the valuation prepared under 2001 Wisconsin Act (this act), section
15 9116 (1q) (f). The department shall pool all employers that make the election under
16 2001 Wisconsin Act (this act), section 9116 (1q) (e), into a single employing unit
17 for the purpose of calculating the contribution rate. This subdivision shall not apply
18 to any employer that makes an election under 2001 Wisconsin Act (this act),
19 section 9116 (1q) (e), if no employee of that employer elects to receive the retirement
20 benefits provided under 2001 Wisconsin Act (this act), section 9116 (1q).

21 3. In lieu of paying contributions under subd. 1. or 2., a participating employer
22 may fully pay the unfunded liability as a lump sum payment. Such a payment may
23 be made only after the date on which the actuary completes the valuation required
24 under 2001 Wisconsin Act (this act), section 9116 (1q) (f), but before the January

1 1 that first occurs after the actuary completes the valuation required under 2001
2 Wisconsin Act (this act), section 9116 (1q) (f).

3 **SECTION 100j.** 40.23 (2m) (b) of the statutes is amended to read:

4 40.23 **(2m)** (b) Except as provided in s. 40.26, subject to the limitations under
5 section 415 of the Internal Revenue Code, the initial amount of the normal form
6 annuity shall be an amount equal to 70%, or ~~65% for participants whose formula rate~~
7 ~~is determined under par. (e) 3. or 85%~~ 90% for participants whose formula rate is
8 determined under par. (e) 4., of the participant's final average earnings plus the
9 amount which can be provided under pars. (c) and (d) or, if less, shall be in the
10 monthly amount equal to the sum of the amounts determined under pars. (c), (d) and
11 (e) as modified by par. (f) and in accordance with the actuarial tables in effect on the
12 annuity effective date. If the participant has creditable service under both par. (e)
13 4. and another category under par. (e), the percent applied under this paragraph
14 shall be determined by multiplying the percent that each type of creditable service
15 is of the participant's total creditable service by ~~85% and 65%~~ 90% or 70%,
16 respectively, and adding the results, except that the resulting benefit may not be less
17 than the amount of the normal form annuity that could be paid based solely on the
18 creditable service under par. (e) 4.”.

19 **151.** Page 33, line 2: after that line insert:

20 “**SECTION 100p.** Subchapter IV of chapter 44 [precedes 44.70] of the statutes,
21 as affected by 2001 Wisconsin Acts 16 and (Senate Bill 176), is repealed.”.

22 **152.** Page 33, line 2: after that line insert:

23 “**SECTION 100ng.** 45.358 (3) (g) of the statutes is amended to read:

1 45.358 (3) (g) A veteran who was discharged or released from active duty in the
2 U.S. armed forces under honorable conditions and who was a resident of the state for
3 at least 5 ~~12~~ consecutive years months after ~~completing~~ entering or reentering
4 service on active duty.

5 **SECTION 100nm.** 45.43 (1) (title) of the statutes is amended to read:

6 45.43 (1) (title) ELECTION OR APPOINTMENT.

7 **SECTION 100nq.** 45.43 (1) (a) of the statutes is amended to read:

8 45.43 (1) (a) Except as provided under par. (b), the county board shall elect a
9 county veterans' service officer who shall be a Wisconsin resident who served on
10 active duty, other than active duty for training, under honorable conditions in the
11 U.S. armed forces or in forces incorporated as part of the U.S. armed forces ~~for 2~~
12 ~~consecutive years, except service on active duty for training purposes. An individual~~
13 ~~who is discharged for reasons of hardship or a service-connected disability or~~
14 ~~released due to a reduction in the U.S. armed forces or for the good of the service prior~~
15 ~~to the completion of the required period of service is eligible for election to the office,~~
16 ~~regardless of the actual time served~~ and who meets at least one of the conditions
17 listed in s. 45.35 (5) (a) 1. a. to d. and at least one of the conditions listed in s. 45.35
18 (5) (a) 2. a. to c.

19 **SECTION 100ns.** 45.43 (1) (am) of the statutes is created to read:

20 45.43 (1) (am) Except as provided under par. (b), the county board may appoint
21 assistant county veterans' service officers who shall be Wisconsin residents who
22 served on active duty, other than active duty for training, under honorable conditions
23 in the U.S. armed forces or in forces incorporated as part of the U.S. armed forces and
24 who meet at least one of the conditions listed in s. 45.35 (5) (a) 1. a. to d. and at least
25 one of the conditions listed in s. 45.35 (5) (a) 2. a. to c.

1 **SECTION 100nv.** 45.43 (7m) (a) of the statutes, as created by 2001 Wisconsin Act
2 16, is amended to read:

3 45.43 **(7m)** (a) Annually, from the appropriation under s. 20.485 (2) (s), the
4 department shall award grants to counties that are not served by transportation
5 services provided by the Wisconsin department of Disabled American Veterans to
6 develop, maintain, and expand transportation services for disabled veterans. The
7 grants may be used to support ~~multi-county~~ multicounty cooperative transportation
8 services.”.

9 **153.** Page 33, line 2: after that line insert:

10 “**SECTION 100nc.** 46.10 (8) (d) of the statutes is amended to read:

11 46.10 **(8)** (d) After due regard to the case and to a spouse and minor children
12 who are lawfully dependent on the property for support, compromise or waive any
13 portion of any claim of the state or county for which a person specified under sub. (2)
14 is liable, but not any claim payable by an insurer under s. 632.89 (2) or ~~(2m)~~ (4m) or
15 by any other 3rd party.

16 **SECTION 100nj.** 46.10 (14) (a) of the statutes is amended to read:

17 46.10 **(14)** (a) Except as provided in pars. (b) and (c), liability of a person
18 specified in sub. (2) or s. 46.03 (18) for inpatient care and maintenance of persons
19 under 18 years of age at community mental health centers, a county mental health
20 complex under s. 51.08, the centers for the developmentally disabled, Mendota
21 mental health institute, and Winnebago mental health institute or care and
22 maintenance of persons under 18 years of age in residential, nonmedical facilities
23 such as group homes, foster homes, treatment foster homes, child caring institutions,
24 and juvenile correctional institutions is determined in accordance with the

1 cost-based fee established under s. 46.03 (18). The department shall bill the liable
2 person up to any amount of liability not paid by an insurer under s. 632.89 (2) or ~~(2m)~~
3 (4m) or by other 3rd party benefits, subject to rules which include formulas governing
4 ability to pay promulgated by the department under s. 46.03 (18). Any liability of the
5 patient not payable by any other person terminates when the patient reaches age 18,
6 unless the liable person has prevented payment by any act or omission.”.

7 **154.** Page 37, line 25: after that line insert:

8 “**SECTION 119g.** 49.152 (title) of the statutes is renumbered 49.16 (title).

9 **SECTION 119gd.** 49.152 (1) of the statutes is renumbered 49.16 (1) and
10 amended to read:

11 49.16 (1) PETITION FOR REVIEW. Any individual whose application for any
12 component of Wisconsin works is not acted upon by the Wisconsin works agency with
13 reasonable promptness after the filing of the application, as defined by the
14 department by rule, or is denied in whole or in part, whose benefit is modified or
15 canceled, or who believes that the benefit was calculated incorrectly or that the
16 employment position in which the individual was placed is inappropriate, may
17 petition the ~~Wisconsin works agency~~ department for a review of such action. Review
18 is unavailable if the action by the Wisconsin works agency occurred more than 45
19 days prior to submission of the petition for review.

20 **SECTION 119gg.** 49.152 (2) of the statutes is repealed.

21 **SECTION 119gj.** 49.152 (3) (title) and (b) of the statutes are consolidated,
22 renumbered 49.16 (3) and amended to read:

23 49.16 (3) REMEDIES. ~~(b)~~ If, following review under sub. (2), the ~~Wisconsin works~~
24 ~~agency or the department~~ determines that an individual's application was not acted

1 upon with reasonable promptness or was improperly denied in whole or in part, that
2 a participant's benefit was improperly modified or canceled, or was calculated
3 incorrectly, or that a participant was placed in an inappropriate Wisconsin works
4 employment position, the Wisconsin works agency shall ~~restore the benefit to the~~
5 ~~level determined to be appropriate by the Wisconsin works agency or by the~~
6 ~~department grant the appropriate benefit,~~ retroactive to the date on which the
7 individual's application was first not acted upon with reasonable promptness or
8 improperly denied in whole or in part, the individual's benefit was first improperly
9 modified or canceled or incorrectly calculated, or the individual was first placed in
10 an inappropriate Wisconsin works position.

11 **SECTION 119gm.** 49.152 (3) (a) of the statutes is repealed.

12 **SECTION 119j.** 49.16 (2) and (4) of the statutes are created to read:

13 49.16 (2) REVIEW. The department shall give an applicant or participant who
14 files a timely petition under sub. (1) an opportunity for a fair hearing. Upon receipt
15 of a timely petition under sub. (1), the department shall provide reasonable notice
16 of the hearing to the applicant or participant, the Wisconsin works agency, and, if
17 appropriate, the county clerk. The department may make any additional
18 investigation that it considers necessary. The Wisconsin works agency and, if
19 appropriate, the county may be represented at the hearing. The department shall
20 render its decision as soon as possible after the hearing and shall send a certified copy
21 of its decision to the applicant or participant, the Wisconsin works agency, and, if
22 appropriate, the county clerk. The decision of the department shall be final, but may
23 be revoked or modified as altered conditions may require. The department shall deny
24 a petition for a hearing or shall refuse to grant relief if any of the following applies:

25 (a) The applicant or participant withdraws the petition in writing.

1 (b) The sole issue in the petition concerns an automatic grant adjustment or
2 change for a class of participants as required by state or federal law, unless the issue
3 concerns an incorrect computation of the participant's benefit.

4 (c) The applicant or participant abandons the petition. Abandonment occurs
5 if the applicant or participant fails to appear in person or by a representative at a
6 scheduled hearing without providing the department with good cause for that failure
7 to appear.

8 (4) NONENTITLEMENT. This section does not create an entitlement to any
9 services or benefits under Wisconsin works.”.

10 **155.** Page 37, line 25: after that line insert:

11 “**SECTION 119k.** 49.175 (1) (z) of the statutes, as affected by 2001 Wisconsin Act
12 16, is amended to read:

13 49.175 (1) (z) *Community youth grant.* For a competitive grant program
14 administered by the department to fund programs that improve social, academic and
15 employment skills of youth who are eligible to receive temporary assistance for needy
16 families under 42 USC 601 et seq., ~~\$7,579,700~~ \$7,829,700 in fiscal year 2001–02 and
17 ~~\$50,000~~ \$300,000 fiscal year 2002–03.”.

18 **156.** Page 38, line 6: after that line insert:

19 “**SECTION 119r.** 49.195 (3) of the statutes, as affected by 2001 Wisconsin Act 16,
20 is amended to read:

21 49.195 (3) A county, tribal governing body, Wisconsin works agency or the
22 department shall determine whether an overpayment has been made under s. 49.19,
23 49.148, 49.155 or 49.157 and, if so, the amount of the overpayment. The county, tribal
24 governing body, Wisconsin works agency or department shall provide notice of the

1 overpayment to the liable person. The department shall give that person an
2 opportunity for a review following the procedure specified under s. 49.152 49.16, if
3 the person received the overpayment under s. 49.141 to 49.161, and for a hearing
4 under ch. 227. Notwithstanding s. 49.96, the department shall promptly recover all
5 overpayments made under s. 49.19, 49.148, 49.155 or 49.157 that have not already
6 been received under s. 49.161 or 49.19 (17) and shall promulgate rules establishing
7 policies and procedures to administer this subsection. The rules shall include
8 notification procedures similar to those established for child support collections.”.

9 **157.** Page 38, line 20: after that line insert:

10 “**SECTION 121k.** 49.26 (1) (h) 1. as. of the statutes is amended to read:

11 49.26 (1) (h) 1. as. The individual has failed to request a hearing or has failed
12 to show good cause for not cooperating with case management efforts in a hearing.
13 The hearing shall be requested and held under s. 49.152 49.16. The department shall
14 determine by rule the criteria for good cause.”.

15 **158.** Page 38, line 20: after that line insert:

16 “**SECTION 121pb.** 49.45 (2) (a) 9. of the statutes is amended to read:

17 49.45 (2) (a) 9. Periodically set forth conditions of participation and
18 reimbursement ~~in a contract with provider~~ for contracts with providers of service
19 under this section. The department shall promulgate rules that specify criteria for
20 and required procedures for submittal of appropriate claims for reimbursement.

21 **SECTION 121pc.** 49.45 (2) (a) 10. a. of the statutes, as affected by 2001
22 Wisconsin Act 16, is renumbered 49.45 (2) (a) 10. and amended to read:

23 49.45 (2) (a) 10. After reasonable notice and opportunity for a hearing
24 conducted as a class 2 proceeding under ch. 227, recover money improperly or

1 erroneously paid or overpayments to a provider by offsetting or adjusting amounts
2 owed the provider under the program, crediting against a provider's future claims
3 for reimbursement for other services or items furnished by the provider under the
4 program, or requiring the provider to make direct payment to the department or its
5 fiscal intermediary.

6 **SECTION 121pd.** 49.45 (2) (a) 10. b. of the statutes, as created by 2001 Wisconsin
7 Act 16, is repealed.

8 **SECTION 121pe.** 49.45 (2) (a) 10. c. of the statutes, as created by 2001 Wisconsin
9 Act 16, is repealed.

10 **SECTION 121pf.** 49.45 (2) (a) 11. a. of the statutes, as affected by 2001 Wisconsin
11 Act 16, is renumbered 49.45 (2) (a) 11. and amended to read:

12 49.45 (2) (a) 11. Establish criteria for the certification of eligible providers of
13 medical assistance and, except as provided in ~~par. (b) 6m. and s. 49.48, and subject~~
14 ~~to par. (b) 7. and 8.,~~ certify providers who meet the criteria.

15 **SECTION 121pg.** 49.45 (2) (a) 11. b. of the statutes, as created by 2001 Wisconsin
16 Act 16, is repealed.

17 **SECTION 121ph.** 49.45 (2) (a) 12. a. of the statutes, as affected by 2001
18 Wisconsin Act 16, is renumbered 49.45 (2) (a) 12. and amended to read:

19 49.45 (2) (a) 12. Decertify or suspend under this subdivision a provider from
20 ~~or restrict a provider's participation in~~ the medical assistance program, if after
21 giving reasonable notice and opportunity for hearing the department finds that the
22 provider has violated a federal statute or regulation or a state statute or
23 administrative rule and the violation is by statute, regulation, or rule grounds for
24 decertification or restriction. ~~The department shall suspend the provider pending~~
25 ~~the hearing under this subdivision if the department includes in its decertification~~

1 ~~notice findings that the provider's continued participation in the medical assistance~~
2 ~~program pending hearing is likely to lead to the irretrievable loss of public funds and~~
3 ~~is unnecessary to provide adequate access to services to medical assistance~~
4 ~~recipients. As soon as practicable after the hearing, the department shall issue a~~
5 ~~written decision suspension.~~ No payment may be made under the medical assistance
6 program with respect to any service or item furnished by the provider subsequent to
7 decertification or during the period of suspension.

8 **SECTION 121pi.** 49.45 (2) (a) 12. b. of the statutes, as created by 2001 Wisconsin
9 Act 16, is repealed.

10 **SECTION 121pj.** 49.45 (2) (a) 14. of the statutes is amended to read:

11 49.45 (2) (a) 14. Assure due process in implementing subds. 12. and 13. by
12 providing written notice, ~~a fair hearing and a written decision~~ and a hearing
13 conducted as a class 2 proceeding under ch. 227.

14 **SECTION 121pk.** 49.45 (2) (b) 6m. of the statutes, as created by 2001 Wisconsin
15 Act 16, is repealed.

16 **SECTION 121pL.** 49.45 (2) (b) 7. of the statutes, as created by 2001 Wisconsin
17 Act 16, is repealed.

18 **SECTION 121pm.** 49.45 (2) (b) 8. of the statutes, as created by 2001 Wisconsin
19 Act 16, is repealed.

20 **SECTION 121pn.** 49.45 (2) (b) 9. of the statutes, as created by 2001 Wisconsin
21 Act 16, is repealed.

22 **SECTION 121pp.** 49.45 (3) (g) 1. of the statutes, as affected by 2001 Wisconsin
23 Act 16, is renumbered 49.45 (3) (g) and amended to read:

24 49.45 (3) (g) The secretary may authorize personnel to audit or investigate and
25 report to the department on any matter involving violations or complaints alleging

1 violations of statutes, regulations, or rules applicable to the medical assistance
2 program and to perform such investigations or audits as are required to verify the
3 actual provision of services or items available under the medical assistance program
4 and the appropriateness and accuracy of claims for reimbursement submitted by
5 providers participating in the program. Department employees authorized by the
6 secretary under this paragraph shall be issued, and shall possess at all times while
7 they are performing their investigatory or audit functions under this section,
8 identification, signed by the secretary, that specifically designates the bearer as
9 possessing the authorization to conduct medical assistance investigations or audits.
10 Under the request of a designated person and upon presentation of the person's
11 authorization, providers and medical assistance recipients shall accord the person
12 access to any ~~provider personnel~~, records, books, or documents or other information
13 needed. Under the written request of a designated person and upon presentation of
14 the person's authorization, providers and recipients shall accord the person access
15 to any needed patient health care records of a recipient. Authorized employees may
16 hold hearings, administer oaths, take testimony, and perform all other duties
17 necessary to bring the matter before the department for final adjudication and
18 determination.

19 **SECTION 121pq.** 49.45 (3) (g) 2. of the statutes, as created by 2001 Wisconsin
20 Act 16, is repealed.

21 **SECTION 121pr.** 49.45 (3) (h) 1. of the statutes is created to read:

22 49.45 (3) (h) 1. For purposes of any audit, investigation, examination, analysis,
23 review, or other function authorized by law with respect to the medical assistance
24 program, the secretary shall have the power to sign and issue subpoenas to any
25 person requiring the production of any pertinent books, records, patient health care

1 records, or other information. Subpoenas so issued shall be served by anyone
2 authorized by the secretary by delivering a copy to the person named in the
3 subpoena, or by registered mail or certified mail addressed to the person at his or her
4 last-known residence or principal place of business. A verified return by the person
5 serving the subpoena setting forth the manner of service, or, in the event service is
6 by registered or certified mail, the return post-office receipt signed by the person
7 served constitutes proof of service.

8 **SECTION 121ps.** 49.45 (3) (h) 1m. of the statutes, as affected by 2001 Wisconsin
9 Act 16, is renumbered 49.45 (3) (h) 3. and amended to read:

10 49.45 (3) (h) 3. ~~The failure or refusal of a provider to accord department~~
11 ~~auditors or investigators access as required under par. (g) to any provider personnel,~~
12 ~~records, books, patient health care records of medical assistance recipients, or~~
13 ~~documents or other information requested constitutes person to purge himself or~~
14 ~~herself of contempt found under s. 885.12 and perform the act as required by law~~
15 ~~shall constitute grounds for decertification or suspension of the provider that person~~
16 from participation in the medical assistance program. No payment may be made for
17 services rendered by the provider that person following decertification, or during the
18 period of suspension, ~~or during any period of provider failure or refusal to accord~~
19 ~~access as required under par. (g).~~

20 **SECTION 121pt.** 49.45 (3) (h) 1n. of the statutes, as created by 2001 Wisconsin
21 Act 16, is repealed.

22 **SECTION 121pu.** 49.45 (3) (h) 2. of the statutes is created to read:

23 49.45 (3) (h) 2. In the event of contumacy or refusal to obey a subpoena issued
24 under this paragraph and duly served upon any person, any judge in a court of record

1 in the county in which the person was served may enforce the subpoena in accordance
2 with s. 885.12.

3 **SECTION 121pv.** 49.45 (21) (title) of the statutes, as affected by 2001 Wisconsin
4 Act 16, is amended to read:

5 49.45 **(21)** (title) ~~TAKING OVER PROVIDER'S OPERATION~~ TRANSFER OF BUSINESS,
6 LIABILITY FOR; REPAYMENTS REQUIRED.

7 **SECTION 121pw.** 49.45 (21) (ag) of the statutes, as created by 2001 Wisconsin
8 Act 16, is repealed.

9 **SECTION 121pwj.** 49.45 (21) (ar) of the statutes, as affected by 2001 Wisconsin
10 Act 16, is renumbered 49.45 (21) (a) and amended to read:

11 49.45 **(21)** (a) ~~Before a person may take over the operation of a provider that~~
12 ~~is~~ If any provider liable for repayment of improper or erroneous payments or
13 overpayments under ss. 49.43 to 49.497, ~~full repayment shall be made. Upon~~
14 ~~request, the department shall notify the provider or the person that intends to take~~
15 ~~over the operation of the provider as to whether the provider~~ sells or otherwise
16 transfers ownership of his or her business or all or substantially all of the assets of
17 the business, the transferor and transferee are each liable for the repayment. Prior
18 to final transfer, the transferee is responsible for contacting the department and
19 ascertaining if the transferor is liable under this paragraph.

20 **SECTION 121px.** 49.45 (21) (b) of the statutes, as affected by 2001 Wisconsin Act
21 16, is amended to read:

22 49.45 **(21)** (b) ~~If, notwithstanding the prohibition under par. (ar), a person takes~~
23 ~~over the operation of a provider~~ If a transfer occurs and the applicable amount under
24 par. (ar) (a) has not been repaid, the department may, ~~in addition to withholding~~
25 ~~certification as authorized under sub. (2) (b) 8.,~~ proceed against the provider or the

1 person either the transferor or the transferee. Within 30 days after ~~the certified~~
2 ~~provider receives~~ receiving notice from the department, the transferor or the
3 transferee shall pay the amount shall be repaid in full. ~~If the amount is not repaid~~
4 ~~in full~~ Upon failure to comply, the department may bring an action to compel
5 ~~payment.~~ If a transferor fails to pay within 90 days after receiving notice from the
6 department, the department may proceed under sub. (2) (a) 12., ~~or may do both.~~

7 **SECTION 121py.** 49.45 (21) (e) of the statutes, as created by 2001 Wisconsin Act
8 16, is repealed.”.

9 **159.** Page 38, line 21: delete the material beginning with that line and ending
10 with page 39, line 10, and substitute:

11 “**SECTION 122b.** 49.45 (49) of the statutes is created to read:

12 49.45 **(49)** PRESCRIPTION DRUG PRIOR AUTHORIZATION. (a) In this subsection:

- 13 1. “Average manufacturer price” has the meaning given in 42 USC 1396r–8 (k)
- 14 (1).
- 15 2. “HIV infection” has the meaning given in s. 252.01 (2).
- 16 3. “Institution for mental diseases” has the meaning given in s. 46.011 (1m).
- 17 4. “Intermediate care facility for the mentally retarded” has the meaning given
- 18 in s. 46.278 (1m) (am).
- 19 5. “Nursing home” has the meaning given in s. 50.01 (3).
- 20 6. “Pharmacist” has the meaning given in s. 450.01 (15).
- 21 7. “Physician” has the meaning given in s. 448.01 (5).
- 22 8. “Preferred prescription drug list” means a list of prescription drugs to which
- 23 prior authorization does not apply.
- 24 9. “Prescription drug” has the meaning given in s. 450.01 (20).

1 (b) Except for all of the following, beginning July 1, 2003, the department shall
2 subject all prescription drugs that are prescribed for medical assistance recipients
3 to requirements of prior authorization:

4 1. Prescription drugs that are used to treat mental illness, including anxiety,
5 depression, or psychosis, or to treat HIV infection.

6 2. Prescription drugs that are prescribed for residents of nursing homes, of
7 institutions for mental diseases, and of intermediate care facilities for the mentally
8 retarded.

9 3. Prescription drugs that are included in a preferred prescription drug list of
10 the department under par. (f).

11 (c) The secretary shall exercise his or her authority under s. 15.04 (1) (c) to
12 create a prescription drug prior authorization committee and shall appoint as
13 members at least all of the following:

14 1. Two physicians who are currently in practice.

15 2. Two pharmacists.

16 3. One advocate for recipients of medical assistance who has sufficient medical
17 background, as determined by the department, to evaluate a prescription drug's
18 clinical effectiveness.

19 (d) The prescription drug prior authorization committee appointed under par.
20 (c) shall do all of the following:

21 1. Review the department's prior authorization policies and advise the
22 department on issues related to prior authorization decisions made concerning
23 prescription drugs on behalf of medical assistance recipients. In making its review
24 under this subdivision, the committee shall accept information or commentary from
25 representatives of the pharmaceutical manufacturing industry.

1 2. Consider the clinical efficacy, safety, and cost effectiveness of prescription
2 drugs and develop and provide to the department a recommended preferred
3 prescription drug list. In initially developing and subsequently revising the
4 preferred prescription drug list, the committee shall do all of the following:

5 a. Ensure that the manufacturers of prescription drugs that agree to provide
6 a supplemental rebate, as specified in par. (h), have an opportunity to present
7 evidence supporting inclusion of a product on the list.

8 b. At least every 12 months, review all prescription drug classes included in the
9 department's list of preferred prescription drugs under par. (f).

10 c. From the department's list of preferred prescription drugs under par. (f),
11 recommend additions or deletions that permit cost-saving, medically appropriate
12 drug therapies for medical assistance recipients.

13 (e) The department shall do all of the following on behalf of the prescription
14 drug prior authorization committee:

15 1. If the department has received timely notice that a drug or any of its uses
16 has received approval by the federal food and drug administration under a priority
17 new drug application, ensure that the drug will be reviewed by the committee at the
18 committee's earliest regularly scheduled meeting.

19 2. If the department has received notice from a drug manufacturer of a new
20 drug product, schedule, to the extent possible, a product review for the product by
21 the committee at the committee's earliest regularly scheduled meeting.

22 (f) 1. After considering all of the following, the department may, beginning July
23 1, 2002, adopt a preferred prescription drug list and shall disseminate the list to all
24 appropriate providers of medical assistance:

1 a. The recommendation of the prescription drug prior authorization committee
2 under par. (d) 2.

3 b. The clinical efficacy of a prescription drug.

4 c. The price of competing products minus payment of any rebate made under
5 42 USC 1396r–8 and par. (h).

6 d. If par. (h) 4. applies.

7 2. The department shall periodically update the preferred prescription drug
8 list, based on the department’s consideration of recommendations of the prescription
9 drug prior authorization committee and shall disseminate the changes to
10 appropriate providers.

11 3. The department shall make the preferred prescription drug list under subd.
12 1. and the updates under subd. 2. publicly available.

13 (g) A medical assistance recipient may contest the decision of the department
14 to deny prior authorization for a prescription drug that is excluded from the
15 preferred prescription drug list under par. (f) by filing, within 45 days after denial
16 of coverage for a prescription drug that is subject to prior authorization, a written
17 request for a hearing under s. 227.44 to the division of hearings and appeals created
18 under s. 15.103 (1).

19 (h) 1. If a manufacturer of a prescription drug pays a rebate under 42 USC
20 1396r–8, one of the following applies:

21 a. If the rebate is less than 15.1%, the department may enter into an
22 arrangement with the manufacturer that requires the manufacturer to provide a
23 supplemental rebate to the department in an amount that, together with the rebate
24 paid under 42 USC 1396r–8, equals at least 15.1% of the average manufacturer price
25 for the manufacturer’s prescription drug products that are provided to medical

1 assistance recipients, except that the department may determine that a specific
2 prescription drug is competitive at a lower rebate percentage.

3 b. If the rebate is at least 15.1%, the department may enter into an
4 arrangement with the manufacturer that requires the manufacturer to provide a
5 supplemental rebate to the department in an amount that, together with the rebate
6 paid under 42 USC 1396r–8, equals at least 25.1% of the average manufacturer price
7 for the manufacturer’s prescription drug products that are provided to medical
8 assistance recipients, except that the department may determine that a specific
9 prescription drug is competitive at a lower rebate percentage.

10 2. Payment of rebates under subd. 1. shall be used to offset expenditures under
11 s. 20.435 (4) (b), (bc), (bv), (o), and (p).

12 3. The supplemental rebate under subd. 1. a. or b. may include, at the discretion
13 of the department, a program benefit that offsets a medical assistance cost, including
14 a disease management program, a drug product donation program, a drug utilization
15 control program, a program of prescriber and beneficiary counseling and education,
16 or a program to reduce medical assistance fraud and abuse, or may include a cash
17 rebate. The department may request from the federal secretary of health and human
18 services a waiver of federal medicaid laws necessary to permit the department of
19 health and family services to implement this subdivision.

20 4. If a manufacturer of prescription drugs agrees to pay the minimum
21 supplemental rebate rate under subd. 1. a. or b., the department shall consider
22 including a prescription drug of the manufacturer in the preferred prescription drug
23 list under par. (f).

24 (i) Trade secrets, amounts of rebates or supplemental rebates, percentages of
25 rebate rates, and pricing of prescription drugs by prescription drug manufacturers

1 that are contained in records of the department or the department's agent with
2 respect to a supplemental rebate negotiation or supplemental rebate agreement
3 under par. (h) 1. are not public records under subch. II of ch. 19 and shall be kept
4 confidential in accordance with 42 USC 1396r-8 (b) (3) (D). Those portions of
5 meetings of the prior authorization prescription drug advisory committee at which
6 trade secrets, amounts of rebates or supplemental rebates, percentages of rebate
7 rates, and pricing of prescription drugs by prescription drug manufacturers are not
8 subject to subch. V of ch. 19 and shall be kept confidential in accordance with 42 USC
9 1396r-8 (b) (3) (D).

10 (j) The department may enter into a contract with an entity to perform the
11 duties and exercise the powers of the department under pars. (h) 1. a. and b.

12 (k) Annually, by January 15, the department shall submit to appropriate
13 standing committees of the legislature under s. 13.172 (3) and to the governor a
14 report on the implementation of the department of the program under this
15 subsection, including any progress made in implementing cost-containment
16 measures under medical assistance and its effect on expenditures under medical
17 assistance for prescription drugs.

18 **SECTION 122c.** 49.45 (50) of the statutes is created to read:

19 **49.45 (50) RIGHT TO APPEAL PRESCRIPTION DRUG COVERAGE DECISION.** The
20 department shall inform each medical assistance recipient of his or her right, under
21 sub. (49) (g), to contest a decision by the department to deny prior authorization for
22 a prescription drug that is excluded from the preferred prescription drug list under
23 sub. (49) (f), if the decision results in denial of coverage to the recipient for the
24 prescription drug.”.

1 **160.** Page 46, line 20: after that line insert:

2 “**SECTION 145g.** 49.85 (2) (a) of the statutes, as affected by 2001 Wisconsin Act
3 16, is amended to read:

4 49.85 (2) (a) At least annually, the department of health and family services
5 shall certify to the department of revenue the amounts that, based on the
6 notifications received under sub. (1) and on other information received by the
7 department of health and family services, the department of health and family
8 services has determined that it may recover under s. ~~49.45 (2) (a) 10.~~ or 49.497, except
9 that the department of health and family services may not certify an amount under
10 this subsection unless it has met the notice requirements under sub. (3) and unless
11 its determination has either not been appealed or is no longer under appeal.

12 **SECTION 145h.** 49.85 (3) (a) 1. of the statutes, as affected by 2001 Wisconsin Act
13 16, is amended to read:

14 49.85 (3) (a) 1. Inform the person that the department of health and family
15 services intends to certify to the department of revenue an amount that the
16 department of health and family services has determined to be due under s. 49.45
17 ~~(2) (a) 10.~~ or 49.497, for setoff from any state tax refund that may be due the person.”.

18 **161.** Page 47, line 25: after that line insert:

19 “**SECTION 148f.** 50.375 of the statutes is created to read:

20 **50.375 Emergency contraception for alleged victims of sexual assault.**

21 **(1)** In this section:

22 (a) “Emergency contraception” means a drug, medicine, oral hormonal
23 compound, mixture, preparation, instrument, article, or device that is approved by
24 the federal food and drug administration that prevents a pregnancy after sexual

1 intercourse. “Emergency contraception” does not include a drug, medicine, oral
2 hormonal compound, mixture, preparation, instrument, article, or device of any
3 nature that is prescribed to terminate the pregnancy of a woman who is known by
4 the prescribing licensed health care provider to be pregnant.

5 (b) “Sexual assault” means a violation of s. 940.225 (1), (2), or (3).

6 (2) A hospital that provides emergency services to an alleged victim of sexual
7 assault shall, after obtaining the consent of the victim, do all of the following:

8 (a) Provide to the victim medically and factually accurate and unbiased written
9 and oral information about emergency contraception.

10 (b) Orally inform the victim of her option to receive emergency contraception
11 at the hospital.

12 (c) Provide emergency contraception immediately at the hospital to the victim
13 if she requests it.

14 (3) A hospital that provides emergency care shall ensure that each hospital
15 employee who provides care to an alleged victim of sexual assault has available
16 medically and factually accurate and unbiased information about emergency
17 contraception.

18 (4) The department shall respond to any complaint received by the department
19 concerning noncompliance by a hospital with the requirements of subs. (2) and (3)
20 and shall periodically review hospital procedures to determine if a hospital is in
21 compliance with the requirements.

22 **SECTION 148g.** 50.38 (1) of the statutes is renumbered 50.38 (1) (a).

23 **SECTION 148i.** 50.38 (1) (b) of the statutes is created to read:

24 50.38 (1) (b) Whoever violates a requirement under s. 50.375 (2) or (3) may be
25 required to forfeit not less than \$2,500 nor more than \$5,000 for each violation. If

1 a hospital violates s. 50.375 (2) twice, the department may, after providing notice to
2 the hospital, suspend or revoke the hospital's certificate of approval and may deny
3 application for a new certificate of approval.

4 **SECTION 148j.** 50.38 (2) of the statutes is amended to read:

5 50.38 (2) The department may directly assess forfeitures provided for under
6 sub. (1) (a) or (b). If the department determines that a forfeiture should be assessed
7 for a particular violation, the department shall send a notice of assessment to the
8 hospital. The notice shall specify the amount of the forfeiture assessed, the violation
9 and the statute or rule alleged to have been violated, and shall inform the hospital
10 of the right to a hearing under sub. (3).”.

11 **162.** Page 47, line 25: after that line insert:

12 “**SECTION 148g.** 50.35 of the statutes is amended to read:

13 **50.35 Application and approval.** Application for approval to maintain a
14 hospital shall be made to the department on forms provided by the department. On
15 receipt of an application, the department shall, except as provided in this section and
16 s. 50.498, issue a certificate of approval if the applicant and hospital facilities meet
17 the requirements established by the department. Except as provided in s. 50.498,
18 this approval shall be in effect until, for just cause and in the manner herein
19 prescribed, it is suspended or revoked. The certificate of approval may be issued only
20 for the premises and persons or governmental unit named in the application and is
21 not transferable or assignable. The department shall withhold, suspend or revoke
22 approval for a violation of s. 150.935 (2) or a failure to comply with s. 150.935 (3) or
23 165.40 (6) (a) 1. or 2. or 2001 Wisconsin Act ... (this act), section 9123 (5qr), but,
24 except as provided in s. 50.498, otherwise may not withhold, suspend or revoke

1 approval unless for a substantial failure to comply with ss. 50.32 to 50.39 or the rules
2 and standards adopted by the department after giving a reasonable notice, a fair
3 hearing and a reasonable opportunity to comply. Failure by a hospital to comply with
4 s. 50.36 (3m) shall be considered to be a substantial failure to comply under this
5 section. After the effective date of this section [revisor inserts date], the
6 department may not issue an initial certificate of approval except for a critical access
7 hospital that is converted from a previously–approved hospital.”.

8 **SECTION 148h.** 50.35 of the statutes, as affected by 2001 Wisconsin Act (this
9 act), is amended to read:

10 **50.35 Application and approval.** Application for approval to maintain a
11 hospital shall be made to the department on forms provided by the department. On
12 receipt of an application, the department shall, except as provided in this section and
13 s. 50.498, issue a certificate of approval if the applicant and hospital facilities meet
14 the requirements established by the department. Except as provided in s. 50.498,
15 this approval shall be in effect until, for just cause and in the manner herein
16 prescribed, it is suspended or revoked. The certificate of approval may be issued only
17 for the premises and persons or governmental unit named in the application and is
18 not transferable or assignable. The department shall withhold, suspend or revoke
19 approval for a violation of s. 150.935 (2) or a failure to comply with s. 150.935 (3) or
20 165.40 (6) (a) 1. or 2. ~~or 2001 Wisconsin Act (this act), section 9123 (5qr), but,~~
21 except as provided in s. 50.498, otherwise may not withhold, suspend or revoke
22 approval unless for a substantial failure to comply with ss. 50.32 to 50.39 or the rules
23 and standards adopted by the department after giving a reasonable notice, a fair
24 hearing and a reasonable opportunity to comply. Failure by a hospital to comply with
25 s. 50.36 (3m) shall be considered to be a substantial failure to comply under this

1 section. After the effective date of this section [revisor inserts date], the
2 department may not issue an initial certificate of approval except for a critical access
3 hospital that is converted from a previously–approved hospital.”.

4 **163.** Page 48, line 5: after that line insert:

5 “SECTION 149g. 51.30 (4) (b) 13. of the statutes is renumbered 51.30 (4) (cm)
6 and amended to read:

7 51.30 (4) (cm) Required access to records. ~~To the parents, children~~
8 Notwithstanding par. (a), treatment records of an individual shall be released
9 without informed written consent, except as restricted under par. (c), to the parent,
10 child, sibling, or spouse of an individual who is or was a patient at an inpatient
11 facility; to a law enforcement officer who is seeking to determine whether an
12 individual is on unauthorized absence from the facility; and to mental health
13 professionals who are providing treatment to the individual at the time that the
14 information is released to others. Information released under this subdivision
15 paragraph is limited to notice as to whether or not an individual is a patient at the
16 inpatient facility and, if the individual is no longer a patient at the inpatient facility,
17 the facility or other place, if known, at which the individual is located. This
18 paragraph does not apply to an individual’s parent, child, sibling, or spouse from
19 whom the individual has specifically requested that the information under this
20 paragraph be withheld.”.

21 **164.** Page 48, line 10: after that line insert:

22 “SECTION 150tg. 62.13 (5) (i) of the statutes is amended to read:

23 62.13 (5) (i) Any person suspended, reduced, suspended and reduced, or
24 removed by the board may appeal from the order of the board to the circuit court by

1 serving written notice of the appeal on the secretary of the board within 10 days after
2 the order is filed. Within 5 days after receiving written notice of the appeal, the board
3 shall certify to the clerk of the circuit court the record of the proceedings, including
4 all documents, testimony, and minutes. The action shall then be at issue and shall
5 have precedence over any other cause of a different nature pending in the court,
6 which shall always be open to the trial thereof. The court shall upon application of
7 the accused or of the board fix a date of trial, which shall not be later than 15 days
8 after such application except by agreement. The trial shall be by the court and upon
9 the return of the board, except that the court may require further return or the taking
10 and return of further evidence by the board. The question to be determined by the
11 court shall be: Upon the evidence is there just cause, as described under par. (em),
12 to sustain the charges against the accused? No costs shall be allowed either party
13 and the clerk's fees shall be paid by the city. If the order of the board is reversed, the
14 accused shall be forthwith reinstated and entitled to pay as though in continuous
15 service. If the order of the board is sustained, it shall be final and conclusive. This
16 paragraph does not apply to any person who is suspended, reduced, suspended and
17 reduced, or removed by the board or by a committee or person acting under this
18 subsection in place of a board, and who is subject to the terms of a collective
19 bargaining agreement entered into under subch. IV of ch. 111 that provides an
20 alternative to the appeals procedure specified in this paragraph, unless the person
21 chooses to appeal the order to circuit court. If the alternative to the appeals
22 procedure includes a hearing, the hearing shall be open to the public with reasonable
23 advance notice given by the employer. An accused person who chooses to appeal the
24 decision of the board through a collectively bargained alternative to the appeals

1 procedure specified in this paragraph is considered to have waived his or her right
2 to circuit court review of the board decision.”.

3 **165.** Page 48, line 10: after that line insert:

4 “**SECTION 150rm.** 66.0137 (4) of the statutes is amended to read:

5 66.0137 (4) SELF-INSURED HEALTH PLANS. If a city, including a 1st class city, or
6 a village provides health care benefits under its home rule power, or if a town
7 provides health care benefits, to its officers and employees on a self-insured basis,
8 the self-insured plan shall comply with ss. 49.493 (3) (d), 631.89, 631.90, 631.93 (2),
9 632.746 (10) (a) 2. and (b) 2., 632.747 (3), 632.85, 632.853, 632.855, 632.87 (4) and (5),
10 632.89, 632.895 (9) to (14) (15), 632.896, and 767.25 (4m) (d).”.

11 **166.** Page 48, line 10: after that line insert:

12 “**SECTION 250b.** 59.43 (1) (L) of the statutes, as affected by 2001 Wisconsin Act
13 10, is amended to read:

14 59.43 (1) (L) File all documents pertaining to security interests, as defined in
15 s. 401.201 (37) (a), that are required or authorized by law to be filed with the register.
16 Except as otherwise prescribed by the department of financial institutions under
17 subch. V of ch. 409, these documents shall be executed ~~on white or light colored sheets~~
18 ~~of paper, 8 or 8.5 inches wide and 5, 7, 10.5, or 14 inches long. Whenever there is~~
19 ~~offered for filing any document that varies more than one-eighth inch from the~~
20 ~~approved size, or that is not on a standard form prescribed by ch. 409 or by the~~
21 ~~department of financial institutions, then in addition to the regular filing fee an~~
22 ~~additional filing fee shall be charged by the register of deeds, as prescribed by sub.~~
23 ~~(2). No assignment, release, or other instrument shall be offered for filing that is~~
24 ~~executed or endorsed on any other document, but each shall be a separate and~~

1 ~~distinct document, except those assignments or notices that are printed or written~~
2 ~~on and immediately following the original agreement or financing statement, offered~~
3 ~~for filing at the same time, shall be considered as one document. All of these~~
4 ~~documents shall be legibly written, and shall have the names of the debtor and~~
5 ~~secured party plainly printed or typed on the document and shall provide a space for~~
6 ~~filing data of the register of deeds on the outside of the document meeting the~~
7 ~~requirements set forth in sub. (2m) (b) 1. to 5.~~

8 **SECTION 150d.** 59.43 (1) (m), (n) and (o) of the statutes, as affected by 2001
9 Wisconsin Act 10, are amended to read:

10 59.43 (1) (m) ~~Except as otherwise provided in subchs. V and VII of ch. 409, keep~~
11 Keep these chattel documents in consecutive numerical arrangement, for the
12 inspection of all persons, endorsing on each document the document number and the
13 date and time of reception.

14 (n) Upon the filing of a financing statement or other document evidencing the
15 creation of a security interest, as defined in s. 401.201 (37) (a), required to be filed
16 or recorded with the register under s. 409.501 (1) (a), ~~enter the name of each debtor~~
17 ~~alphabetically in indices, of which each page shall be divided into columns which~~
18 ~~shall contain the following information: number of the document, date and time of~~
19 ~~filing, name and address of debtor, name and address of secured party, name of the~~
20 ~~document, the amount if any, shown in the document, brief description of property,~~
21 ~~and the last column set aside for the entry of assignments, continuation statements,~~
22 ~~termination statements, foreclosure affidavits, extensions and releases pertaining~~
23 ~~to such financing statements or chattel security documents. If the financing~~
24 ~~statement evidences the creation of a security interest in fixtures, it also shall be~~

1 entered in the tract index if one is kept in the county index the document in the real
2 estate records index under sub. (9).

3 (o) ~~Except as otherwise provided in subch. V of ch. 409, upon~~ Upon the filing
4 of an assignment, continuation statement, termination statement, foreclosure
5 affidavit, extension, or release pertaining to a filed financing statement or other
6 chattel security document, ~~enter the document number and the date and time of~~
7 ~~filing in the appropriate column of the indices referred to in par. (n) and on the same~~
8 ~~line as that on which the entry of the filed financing statement or other chattel~~
9 ~~security document appears~~ index the document in the real estate records index under
10 sub. (9).

11 **SECTION 150f.** 59.43 (1) (um) of the statutes is created to read:

12 59.43 (1) (um) Submit that portion of recording and filing fees collected under
13 sub. (2) (ag) 1. or (e) and not retained by the county to the land information board
14 under s. 59.72 (5).

15 **SECTION 150h.** 59.43 (1) (um) of the statutes, as created by 2001 Wisconsin Act
16 (this act), is repealed.

17 **SECTION 150m.** 59.43 (2) (ag) of the statutes, as affected by 1997 Wisconsin Act
18 27 and 2001 Wisconsin Acts 10 and 16, is repealed and recreated to read:

19 59.43 (2) (ag) 1. Subject to s. 59.72 (5), for recording any instrument entitled
20 to be recorded in the office of register of deeds, \$11 for the first page and \$2 for each
21 additional page, except that no fee may be collected for recording a change of address
22 that is exempt from a filing fee under s. 185.83 (1) (b).

23 2. In the event of conflict in the statutes regarding recording fees, subd. 1. shall
24 control.

1 **SECTION 150p.** 59.43 (2) (ag) of the statutes, as affected by 2001 Wisconsin Act
2 (this act), is repealed and recreated to read:

3 59.43 **(2)** (ag) 1. For recording any instrument entitled to be recorded in the
4 office of register of deeds, \$8 for the first page if the county maintains a land
5 information office under s. 59.72 (3) and \$4 for the first page if the county does not
6 maintain such an office, and \$2 for each additional page, except that no fee may be
7 collected for recording a change of address that is exempt from a filing fee under s.
8 185.83 (1) (b).

9 2. In the event of conflict in the statutes regarding recording fees, subd. 1. shall
10 control.

11 **SECTION 150r.** 59.43 (2) (e) of the statutes, as affected by 1997 Wisconsin Act
12 27 and 2001 Wisconsin Act 16, is repealed and recreated to read:

13 59.43 **(2)** (e) Subject to s. 59.72 (5), for filing any instrument which is entitled
14 to be filed in the office of register of deeds and for which no other specific fee is
15 specified, \$11 for the first page and \$2 for each additional page.

16 **SECTION 150t.** 59.43 (2) (e) of the statutes, as affected by 2001 Wisconsin Act
17 (this act), is repealed and recreated to read:

18 59.43 **(2)** (e) For filing any instrument which is entitled to be filed in the office
19 of register of deeds and for which no other specific fee is specified, \$8 for the first page
20 if the county maintains a land information office under s. 59.72 (3) and \$4 for the first
21 page if the county does not maintain such an office, and \$2 for each additional page.

22 **SECTION 150v.** 59.72 (5) of the statutes, as affected by 2001 Wisconsin Act 16,
23 is repealed and recreated to read:

24 59.72 **(5)** LAND RECORD MODERNIZATION FUNDING. (a) Before the 16th day of each
25 month a register of deeds shall submit to the land information board \$7 from the fee

1 for recording or filing the first page of each instrument that is recorded or filed under
2 s. 59.43 (2) (ag) 1. or (e), less any amount retained by the county under par. (b).

3 (b) A county may retain \$5 of the \$7 submitted under par. (a) from the fee for
4 recording or filing the first page of each instrument that is recorded or filed under
5 s. 59.43 (2) (ag) 1. or (e) if all of the following conditions are met:

6 1. The county has established a land information office under sub. (3).

7 2. A land information office has been established for less than 2 years or has
8 received approval for a countywide plan for land records modernization under sub.
9 (3) (b).

10 3. The county uses \$4 of each \$5 fee retained under this paragraph to develop,
11 implement, and maintain the countywide plan for land records modernization, and
12 \$1 of each \$5 fee retained under this paragraph to develop and maintain a
13 computerized indexing of the county's land information records relating to housing,
14 including the housing element of the county's land use plan under s. 66.1001 (2) (b),
15 in a manner that would allow for greater public access through use of the Internet.

16 **SECTION 150w.** 59.72 (5) of the statutes, as affected by 1997 Wisconsin Act 27
17 and 2001 Wisconsin Act (this act), is repealed and recreated to read:

18 59.72 (5) LAND RECORD MODERNIZATION FUNDING. A county that establishes a
19 land information office shall use \$4 of the \$8 per page received under s. 59.43 (2) (ag)
20 1. and (e) to develop, implement, and maintain a countywide plan for land records
21 modernization.”.

22 **167.** Page 48, line 10: after that line insert:

23 “**SECTION 150d.** 59.692 (1) (bn) of the statutes is repealed.

24 **SECTION 150g.** 59.692 (1) (d) of the statutes is repealed.

1 **SECTION 150m.** 59.692 (1v) of the statutes is repealed.”.

2 **168.** Page 49, line 18: after that line insert:

3 “**SECTION 151e.** 66.0218 of the statutes is created to read:

4 **66.0218 Direct annexation of certain town territory. (1) DEFINITIONS.**

5 In this section:

6 (a) “Legal description” has the meaning given in s. 66.0217 (1) (c).

7 (b) “Members–elect” has the meaning given in s. 59.001 (2m).

8 (c) “Municipality” means a city, village, or town.

9 (d) “Public services” includes police and fire protection; sewer and water
10 treatment; stormwater treatment; building, health, and fire prevention inspections;
11 planning; and public works services.

12 (e) “Scale map” has the meaning given in s. 66.0217 (1) (g).

13 **(2) CITY, VILLAGE ORDINANCES.** (a) *Enactment.* The governing body of a city or
14 village may, by a two–thirds vote of its members–elect, enact an ordinance to annex
15 a contiguous town or contiguous town territory if all of the following apply:

16 1. The area of the territory to be annexed is less than 10 square miles and the
17 territory is located in a county with a population of at least 300,000.

18 2. The annexing city or village is contiguous to more than 50% of the length of
19 the territory to be annexed.

20 3. The annexing city or village is capable of providing public services to the
21 territory to be annexed at a level that at least equals the level of service that is being
22 provided by the town.

1 4. The annexation of the territory will reduce any existing problems of
2 duplicative public services being provided within the same area by more than one
3 municipality.

4 5. The boundary of the territory to be annexed is contiguous to one or more cities
5 or villages for at least 95% of its length, excluding areas that border on water, or on
6 land whose condition prohibits development, except that such excluded areas of the
7 border may not exceed 33% of the length of the boundary of the territory that is
8 sought to be annexed.

9 (b) *Requirements.* The annexation ordinance shall contain a legal description
10 of the territory annexed and the name of the town from which the territory is
11 annexed. Upon enactment of the ordinance under par. (a) the city or village clerk
12 shall file with the secretary of state 8 certified copies of the ordinance, 8 copies of a
13 scale map, and 8 copies of a plat which shows the boundaries of the city or village,
14 including the annexed territory.

15 (c) *Secretary of state.* Not later than 10 days after receiving the ordinance, scale
16 map, and plat, the secretary of state shall forward 2 copies of the ordinance, scale
17 map, and plat to the department of transportation, one copy to the department of
18 administration, one copy to the department of natural resources, one copy to the
19 department of revenue, one copy to the department of public instruction, and one
20 copy to the clerk of the town from which the territory was annexed.

21 (d) *Action to contest annexation.* Section 66.0217 (11) applies to annexations
22 under this section.

23 **(3) EFFECTIVENESS OF ANNEXATION ORDINANCE.** An ordinance enacted under sub.
24 (2) takes effect on the first day of the 2nd month beginning after enactment.”.

1 **169.** Page 49, line 19: delete the material beginning with that line and ending
2 with page 53, line 4.

3 **170.** Page 53, line 4: after that line insert:

4 “**SECTION 153d.** 66.0903 (10) (a) of the statutes is amended to read:

5 66.0903 **(10)** (a) Each contractor, subcontractor, or contractor’s or
6 subcontractor’s agent performing work on a project that is subject to this section
7 shall keep full and accurate records clearly indicating the name and trade or
8 occupation of every person performing the work described in sub. (4) and an accurate
9 record of the number of hours worked by each of those persons and the actual wages
10 paid for the hours worked. If requested by any person, a contractor, subcontractor,
11 or contractor’s or subcontractor’s agent performing work on a project that is subject
12 to this section shall permit that person to inspect and copy any of those records to the
13 same extent as if the record were maintained by the department, except that s. 19.36
14 (3) does not limit the duty of a subcontractor or a contractor’s or subcontractor’s agent
15 to permit inspection and copying of a record under this paragraph. Before permitting
16 the inspection and copying of a record under this paragraph, a contractor,
17 subcontractor, or contractor’s or subcontractor’s agent shall delete from the record
18 any personally identifiable information, as defined in s. 19.62 (5), contained in the
19 record about any person performing the work described in sub. (4) other than the
20 trade or occupation of the person, the number of hours worked by the person, and the
21 actual wages paid for those hours worked.

22 **SECTION 153f.** 66.0903 (11) (a) of the statutes is amended to read:

23 66.0903 **(11)** (a) Any contractor, subcontractor, or contractor’s or
24 subcontractor’s agent who fails to pay the prevailing wage rate determined by the

1 department under sub. (3) or who pays less than 1.5 times the hourly basic rate of
2 pay for all hours worked in excess of the prevailing hours of labor is liable to any
3 affected employee in the amount of ~~his or her~~ the employee's unpaid wages or ~~his or~~
4 ~~her~~ unpaid overtime compensation and in an additional equal amount as liquidated
5 damages. ~~An action to recover the liability may be maintained~~ employee may recover
6 that liability by filing a wage claim with the department under s. 109.09 (1) or by
7 commencing an action under s. 109.03 (5) in any court of competent jurisdiction by
8 ~~any employee,~~ for and in behalf of that employee and other employees similarly
9 situated. No employee may be a party plaintiff to ~~the~~ an action commenced under
10 s. 109.03 (5) unless the employee consents in writing to become a party and the
11 consent is filed in the court in which the action is brought. Notwithstanding s. 814.04
12 (1), the court shall, in addition to any judgment awarded to the plaintiff, allow
13 reasonable attorney fees and costs to be paid by the defendant.”.

14 **171.** Page 53, line 4: after that line insert:

15 “**SECTION 152d.** 66.0617 (1) (a) of the statutes is amended to read:

16 66.0617 (1) (a) “Capital costs” means the capital costs to purchase, construct,
17 expand, or improve public facilities, including the cost of land, including the costs of
18 conducting the needs assessment that is described under sub. (4) and of preparing
19 an impact fee ordinance, and including legal, engineering, and design costs to
20 construct, expand, or improve public facilities, except that not more than 10% of
21 capital costs may consist of legal, engineering, and design costs unless the political
22 subdivision or school district can demonstrate that its legal, engineering, and design
23 costs which relate directly to the public improvement for which the impact fees were
24 imposed exceed 10% of capital costs. ~~“Capital costs” does not include other~~

1 ~~noncapital costs to construct, expand or improve public facilities or the costs of~~
2 ~~equipment to construct, expand or improve public facilities.~~

3 **SECTION 152db.** 66.0617 (1) (c) of the statutes is amended to read:

4 66.0617 (1) (c) “Impact fees” means cash contributions, contributions of land
5 or interests in land or any other items of value that are imposed on a developer by
6 a political subdivision or school district under this section.

7 **SECTION 152dc.** 66.0617 (1) (d) of the statutes is amended to read:

8 66.0617 (1) (d) “Land development” means the construction or modification of
9 improvements to real property that creates additional residential dwelling units
10 within a political subdivision or school district or that results in nonresidential uses
11 that create a need for new, expanded, or improved public facilities within a political
12 subdivision or school district.

13 **SECTION 152dd.** 66.0617 (1) (f) of the statutes is amended to read:

14 66.0617 (1) (f) “Public facilities” means includes highways, as defined in s.
15 340.01 (22), and other transportation facilities, traffic control devices, facilities for
16 collecting and treating sewage, facilities for collecting and treating storm and
17 surface waters, facilities for pumping, storing, and distributing water, parks,
18 athletic fields, playgrounds and other recreational facilities, solid waste and
19 recycling facilities, fire protection facilities, fire fighting apparatus, law enforcement
20 facilities, emergency medical facilities, public school facilities, and libraries except
21 that, with regard to counties, “public facilities” does not include highways, as defined
22 in s. 340.01 (22), other transportation facilities or traffic control devices. “Public
23 facilities” does not include facilities owned by a school district.

24 **SECTION 152de.** 66.0617 (1) (g) of the statutes is amended to read:

1 66.0617 (1) (g) “Service area” means a geographic area delineated by a political
2 subdivision or school district within which there are public facilities.

3 **SECTION 152df.** 66.0617 (1) (h) of the statutes is amended to read:

4 66.0617 (1) (h) “Service standard” means a certain quantity or quality of public
5 facilities relative to a certain number of persons, parcels of land, or other appropriate
6 measure, as specified by the political subdivision or school district.

7 **SECTION 152dg.** 66.0617 (2) (a) of the statutes is amended to read:

8 66.0617 (2) (a) ~~Subject to par. (am), a~~ A political subdivision may enact an
9 ordinance under this section that imposes impact fees on developers to pay for the
10 capital costs that are necessary to accommodate land development. A school district
11 may adopt a resolution under this section that imposes impact fees on developers to
12 pay for the capital costs that are necessary to accommodate land development.

13 **SECTION 152dh.** 66.0617 (2) (am) of the statutes is repealed.

14 **SECTION 152di.** 66.0617 (2) (b) of the statutes is amended to read:

15 66.0617 (2) (b) ~~Subject to par. (c), this~~ This section does not prohibit or limit the
16 authority of a political subdivision or school district to finance public facilities by any
17 other means authorized by law, ~~except that the amount of an impact fee imposed by~~
18 ~~a political subdivision shall be reduced, under sub. (6) (d), to compensate for any~~
19 ~~other costs of public facilities imposed by the political subdivision on developers to~~
20 ~~provide or pay for capital costs.~~

21 **SECTION 152dj.** 66.0617 (2) (c) of the statutes is repealed.

22 **SECTION 152dk.** 66.0617 (3) of the statutes is amended to read:

23 66.0617 (3) PUBLIC HEARING; NOTICE. Before enacting an ordinance or adopting
24 a resolution that imposes impact fees, or amending an existing ordinance or
25 resolution that imposes impact fees, a political subdivision or school district shall

1 hold a public hearing on the proposed ordinance or resolution or amendment. Notice
2 of the public hearing shall be published as a class 1 notice under ch. 985, and shall
3 specify where a copy of the proposed ordinance or resolution or amendment and the
4 public facilities needs assessment may be obtained.

5 **SECTION 152dL.** 66.0617 (4) (a) (intro.) of the statutes is amended to read:

6 66.0617 (4) (a) (intro.) Before enacting an ordinance or adopting a resolution
7 that imposes impact fees or amending an ordinance or resolution that imposes
8 impact fees by revising the amount of the fee or altering the public facilities for which
9 impact fees may be imposed, a political subdivision or school district shall prepare
10 a needs assessment for the public facilities for which it is anticipated that impact fees
11 may be imposed. The public facilities needs assessment shall include, but not be
12 limited to, the following:

13 **SECTION 152dm.** 66.0617 (4) (b) of the statutes is amended to read:

14 66.0617 (4) (b) A public facilities needs assessment or revised public facilities
15 needs assessment that is prepared under this subsection shall be available for public
16 inspection and copying in the office of the clerk of the political subdivision or school
17 district at least 20 days before the hearing under sub. (3).

18 **SECTION 152dn.** 66.0617 (5) of the statutes is amended to read:

19 66.0617 (5) DIFFERENTIAL FEES, IMPACT FEE ZONES. (a) An ordinance enacted or
20 resolution adopted under this section may impose different impact fees on different
21 types of land development.

22 (b) An ordinance enacted or resolution adopted under this section may
23 delineate geographically defined zones within the political subdivision or school
24 district and may impose impact fees on land development in a zone that differ from
25 impact fees imposed on land development in other zones within the political

1 subdivision or school district. The public facilities needs assessment that is required
2 under sub. (4) shall explicitly identify the differences, such as land development or
3 the need for those public facilities, which justify the differences between zones in the
4 amount of impact fees imposed.

5 **SECTION 152do.** 66.0617 (6) (intro.) of the statutes is amended to read:

6 66.0617 **(6)** STANDARDS FOR IMPACT FEES. (intro.) Impact fees imposed by an
7 ordinance enacted or resolution adopted under this section:

8 **SECTION 152dq.** 66.0617 (6) (b) of the statutes is repealed.

9 **SECTION 152dr.** 66.0617 (6) (d) of the statutes is repealed.

10 **SECTION 152ds.** 66.0617 (6) (f) of the statutes is repealed.

11 **SECTION 152dt.** 66.0617 (6) (g) of the statutes is amended to read:

12 66.0617 **(6)** (g) Shall be payable by the developer to the political subdivision or
13 school district, either in full or in instalment payments that are approved by the
14 political subdivision or school district, before a building permit may be issued or
15 other required approval may be given by the political subdivision or school district.

16 **SECTION 152du.** 66.0617 (7) of the statutes is amended to read:

17 66.0617 **(7)** LOW-COST HOUSING. An ordinance enacted or resolution adopted
18 under this section may provide for an exemption from, or a reduction in the amount
19 of, impact fees on land development that provides low-cost housing, except that no
20 amount of an impact fee for which an exemption or reduction is provided under this
21 subsection may be shifted to any other development in the land development in
22 which the low-cost housing is located or to any other land development in the
23 political subdivision or school district.

24 **SECTION 152dv.** 66.0617 (8) of the statutes is amended to read:

1 66.0617 **(8)** REQUIREMENTS FOR IMPACT FEE REVENUES. Revenues from impact
2 fees shall be placed in a segregated, interest-bearing account and shall be accounted
3 for separately from the other funds of the political subdivision or school district.
4 Impact fee revenues and interest earned on impact fee revenues may be expended
5 only for capital costs for which the impact fees were imposed.

6 **SECTION 152dw.** 66.0617 (9) of the statutes is amended to read:

7 66.0617 **(9)** REFUND OF IMPACT FEES. An ordinance enacted or resolution adopted
8 under this section shall specify that impact fees that are imposed and collected by
9 a political subdivision or school district but are not used within a reasonable period
10 of time after they are collected to pay the capital costs for which they were imposed
11 shall be refunded to the current owner of the property with respect to which the
12 impact fees were imposed. The ordinance or resolution shall specify, by type of public
13 facility, reasonable time periods within which impact fees must be spent or refunded
14 under this subsection. In determining the length of the time periods under the
15 ordinance or resolution, a political subdivision or school district shall consider what
16 are appropriate planning and financing periods for the particular types of public
17 facilities for which the impact fees are imposed.

18 **SECTION 152dx.** 66.0617 (10) of the statutes is amended to read:

19 66.0617 **(10)** APPEAL. A political subdivision that enacts an impact fee
20 ordinance under this section, and a school district that adopts an impact fee
21 resolution under this section, shall, by ordinance or resolution, specify a procedure
22 under which a developer upon whom an impact fee is imposed has the right to contest
23 the amount, collection or use of the impact fee to the governing body of the political
24 subdivision or school district.”.

1 **172.** Page 53, line 4: after that line insert:

2 “**SECTION 153s.** 66.1113 (2) (a) of the statutes, as affected by 2001 Wisconsin
3 Act 16, is amended to read:

4 66.1113 (2) (a) The governing body of a political subdivision, by a two-thirds
5 vote of the members of the governing body who are present when the vote is taken,
6 may enact an ordinance or adopt a resolution declaring itself to be a premier resort
7 area if, except as provided in ~~par.~~ pars. (e) and (f), at least 40% of the equalized
8 assessed value of the taxable property within such political subdivision is used by
9 tourism-related retailers.

10 **SECTION 153t.** 66.1113 (2) (f) of the statutes is created to read:

11 66.1113 (2) (f) The city of Bayfield may enact an ordinance or adopt a resolution
12 declaring itself to be a premier resort area under par. (a) even if less than 40% of the
13 equalized assessed value of the taxable property within Bayfield is used by
14 tourism-related retailers.”.

15 **173.** Page 53, line 20: after that line insert:

16 “**SECTION 156b.** 70.32 (2) (c) 1. of the statutes is amended to read:

17 70.32 (2) (c) 1. “Agricultural land” means land, exclusive of buildings and
18 improvements and the land necessary for their location and convenience, that is
19 devoted primarily to agricultural use, as defined by rule, if the land is a farm, as
20 defined in sub. (2s) (a) 2., and the owner or lessee of the land files the form under sub.
21 (2s).

22 **SECTION 156d.** 70.32 (2) (c) 1m. of the statutes is created to read:

1 70.32 (2) (c) 1m. “Other” means buildings and improvements located on farms,
2 as defined in sub. (2s) (a) 2., and the land necessary for their location and
3 convenience.

4 **SECTION 156e.** 70.32 (2s) of the statutes is created to read:

5 70.32 (2s) (a) In this subsection:

6 1. “Department” means the department of revenue.

7 2. “Farm” means a business engaged in activities included in the North
8 American Industry Classification System, 1997 edition, published by the U.S. office
9 of management and budget under any of the following classifications, if the business
10 generated at least \$3,500 in gross receipts, including payments in kind for placing
11 land in federal programs, from such activities in the year preceding the date that a
12 form is filed under par. (b) or if the business is likely to generate at least \$3,500 in
13 gross receipts, including payments in kind for placing land in federal programs, from
14 such activities in the year following the date that a form is filed under par. (b):

15 a. Classification 111–Crop production including growing sod, Christmas trees,
16 and ginseng under industry number 111421, but excluding growing nursery product
17 and stock under industry number 111421.

18 b. Classification 112–Animal production.

19 (b) Any person who owns or who is a lessee of land used as a farm shall file a
20 form, as prescribed by the department, with the assessor of each taxation district in
21 which land included in the farm is located no later than March 1 that certifies that
22 the person is the owner or lessee of land used as a farm. The person shall certify on
23 the form that the farm generated at least \$3,500 in gross receipts, including
24 payments in kind for placing land in federal programs, from the activities described
25 under par. (a) 2. in the preceding year, or is likely to generate at least \$3,500 in gross

1 receipts, including payments in kind for placing land in federal programs, from such
2 activities in the year following the date that a form is filed under this paragraph. On
3 the form, the person shall specify each such activity and the gross receipts generated
4 or likely to be generated from each activity. For purposes of this subsection, gross
5 receipts from the activities described under par. (a) 2. shall be calculated on a per
6 farm basis, regardless of whether the farm is located in more than one taxation
7 district. A person who has filed a form under this paragraph shall only file such a
8 form in a subsequent year, if in that subsequent year the person has acquired or
9 leased additional land to be used as part of the farm.

10 (c) If the use of the person's land has changed so that it may no longer be
11 assessed as agricultural land under sub. (2r), the person who owns or who is the
12 lessee of the land shall notify the assessor of the taxation district in which the
13 person's land is located, on a form prescribed by the department. If the use of the
14 person's land has changed so that it may no longer be assessed as agricultural land
15 under sub. (2r) and the person who owns or who is the lessee of the land does not
16 notify the assessor of the taxation district as provided under this paragraph, the
17 taxation district shall treat the difference between the land's value as agricultural
18 land under sub. (2r) and the land's value under the appropriate classification as
19 provided under sub. (2) (a) as omitted property under s. 70.44 and collect from the
20 owner of the land the penalty under s. 74.485.”.

21 **174.** Page 54, line 3: delete the material beginning with that and ending with
22 page 57, line 13.

23 **175.** Page 57, line 22: delete “P.L. 106-554.”.

24 **176.** Page 58, line 5: on lines 5, 11 and 14, delete “P.L. 106-554.”.

1 **177.** Page 58, line 25: delete “P.L. 106–554, P.L. 106–573.”.

2 **178.** Page 59, line 9: on lines 9, 15 and 18, delete “P.L. 106–554, P.L.
3 106–573.”.

4 **179.** Page 60, line 3: delete the material beginning with “P.L. 106–230” and
5 ending with “P.L. 106–573.” on line 4.

6 **180.** Page 60, line 13: delete that line and substitute “and P.L. 107–16,
7 excluding”.

8 **181.** Page 60, line 19: delete the material beginning with “P.L. 106–230” and
9 ending with “106–573.” on line 20.

10 **182.** Page 60, line 22: delete “P.L. 106–230, P.L. 106–519, P.L. 106–554, P.L.
11 106–573.”.

12 **183.** Page 61, line 1: delete the material beginning with “and before” and
13 ending with “2001.” on line 2.

14 **184.** Page 61, line 7: delete that line and substitute “104–188, and as
15 amended by”.

16 **185.** Page 61, line 8: delete “P.L. 106–573, and”.

17 **186.** Page 61, line 16: delete “P.L. 106–200, P.L. 106–230.”.

18 **187.** Page 61, line 17: delete “P.L. 106–519, P.L. 106–554, P.L. 106–573.”.

19 **188.** Page 61, line 21: delete “and before January 1, 2001.”.

20 **189.** Page 61, line 22: delete “P.L. 106–200, P.L.”.

21 **190.** Page 61, line 23: delete “106–230, P.L. 106–519, P.L. 106–554, P.L.
22 106–573, and”.

1 **191.** Page 61, line 25: delete “P.L. 106–200, P.L. 106–230, P.L. 106–519, P.L.”.

2 **192.** Page 62, line 1: delete “106–554, P.L. 106–573, and”.

3 **193.** Page 62, line 3: delete the material beginning with that line and ending
4 with page 63, line 24.

5 **194.** Page 64, line 9: delete the material beginning with that line and ending
6 with page 66, line 15.

7 **195.** Page 66, line 15: after that line insert:

8 “**SECTION 170pc.** 71.10 (3) (a) of the statutes is amended to read:

9 71.10 (3) (a) Every individual filing an income tax return who has a tax liability
10 or is entitled to a tax refund may designate \$1 \$5 for transfer to the Wisconsin
11 election campaign fund for the use of eligible candidates under s. 11.50. If the
12 individuals filing a joint return have a tax liability or are entitled to a tax refund,
13 each individual may make a designation of \$1 \$5 under this subsection. Each
14 individual making a designation shall indicate whether the amount designated by
15 that individual shall be placed in the general account for the use of all eligible
16 candidates for state office, or in the account of an eligible political party whose name
17 is certified to the secretary of revenue under s. 11.50 (14). If an individual does not
18 indicate that the amount of his or her designation shall be placed in the account of
19 a particular eligible political party, that amount shall be placed in the general
20 account.

21 **SECTION 170pe.** 71.10 (3) (b) of the statutes is amended to read:

22 71.10 (3) (b) The secretary of revenue shall provide a place for those
23 designations under par. (a) on the face of the individual income tax return and shall
24 provide next to that place a statement that a designation will not increase tax

1 liability. ~~Annually on August 15~~ The secretary shall also provide and highlight a
2 place in the instructions that accompany the return for any information submitted
3 to the secretary by the elections board under s. 11.50 (2m) without cost to the board.
4 No later than the 15th day of each month, the secretary of revenue shall certify to
5 the elections board, the department of administration and the state treasurer ~~under~~
6 ~~s. 11.50~~ the total amount of designations made on returns processed by the
7 department of revenue during the preceding fiscal year month and the amount of
8 designations made during that month for the general account and for the account of
9 each eligible political party. If any individual attempts to place any condition or
10 restriction upon a designation not authorized under par. (a), that individual is
11 deemed not to have made a designation on his or her tax return.”.

12 **196.** Page 66, line 18: delete the material beginning with that line and ending
13 with page 70, line 8.

14 **197.** Page 70, line 17: delete “P.L. 106-554.”.

15 **198.** Page 71, line 2: on lines 2, 8 and 11, delete “P.L. 106-554.”.

16 **199.** Page 71, line 21: delete “P.L. 106-554, P.L. 106-573.”.

17 **200.** Page 72, line 6: on lines 6, 13 and 16, delete “P.L. 106-554, P.L.
18 106-573.”.

19 **201.** Page 72, line 25: delete “P.L. 106-230, P.L. 106-519, P.L.”.

20 **202.** Page 73, line 1: delete “106-544, P.L. 106-573.”.

21 **203.** Page 73, line 11: delete “P.L. 106-230, P.L. 106-519, P.L. 106-554.”.

22 **204.** Page 73, line 12: delete “P.L. 106-573.”.

23 **205.** Page 73, line 17: delete “106-170, P.L. and substitute “106-170.”.

- 1 **206.** Page 73, line 18: delete that line and substitute “and P.L. 107–16,
2 excluding”.
- 3 **207.** Page 73, line 20: delete “P.L. 106–230,”.
- 4 **208.** Page 73, line 21: delete “P.L. 106–519, P.L. 106–554, P.L. 106–573,”.
- 5 **209.** Page 74, line 1: delete “and before January 1, 2001,”.
- 6 **210.** Page 74, line 5: delete that line and substitute “amended by”.
- 7 **211.** Page 74, line 6: delete “and P.L.” and substitute “P.L.”.
- 8 **212.** Page 74, line 16: delete “P.L. 106–200, P.L. 106–230, P.L. 106–519, P.L.
9 106–554,”.
- 10 **213.** Page 74, line 17: delete “P.L. 106–573,”.
- 11 **214.** Page 74, line 21: delete “and before January 1, 2001,”.
- 12 **215.** Page 74, line 22: delete “P.L. 106–200, P.L. 106–230, P.L. 106–519, P.L.”.
- 13 **216.** Page 74, line 23: delete “106–554, P.L. 106–573, and”.
- 14 **217.** Page 74, line 25: delete that line and substitute “P.L.”.
- 15 **218.** Page 75, line 3: delete the material beginning with that line and ending
16 with page 77, line 2.
- 17 **219.** Page 77, line 5: delete the material beginning with that line and ending
18 with page 80, line 14.
- 19 **220.** Page 80, line 23: delete “P.L. 106–554,”.
- 20 **221.** Page 81, line 6: on lines 6, 12 and 15, delete “P.L. 106–554,”.
- 21 **222.** Page 81, line 25: delete “P.L. 106–554, P.L. 106–573,”.

1 **223.** Page 82, line 9: on lines 9, 15 and 18, delete “P.L. 106–554, P.L.
2 106–573.”.

3 **224.** Page 83, line 3: delete “P.L. 106–230, P.L.”.

4 **225.** Page 83, line 4: delete “106–519, P.L. 106–554, P.L. 106–573.”.

5 **226.** Page 83, line 13: on lines 13, 19 and 22, delete “P.L. 106–230, P.L.
6 106–519, P.L. 106–554, P.L. 106–573.”.

7 **227.** Page 84, line 1: delete the material beginning with “and” and ending
8 with “2001.” on line 2.

9 **228.** Page 84, line 7: delete that line and substitute “104–188, and as
10 amended by”.

11 **229.** Page 84, line 8: delete “P.L. 106–573, and”.

12 **230.** Page 84, line 16: delete “P.L. 106–200, P.L. 106–230.”.

13 **231.** Page 84, line 17: delete “P.L. 106–519, P.L. 106–554, P.L. 106–573.”.

14 **232.** Page 84, line 21: delete “and before January 1, 2001.”.

15 **233.** Page 84, line 22: delete “P.L. 106–200, P.L. 106–230, P.L. 106–519, P.L.”.

16 **234.** Page 84, line 23: delete “106–554, P.L. 106–573, and”.

17 **235.** Page 84, line 25: delete that line and substitute “P.L.”.

18 **236.** Page 85, line 3: delete the material beginning with that line and ending
19 with page 86, line 24.

20 **237.** Page 87, line 1: delete the material beginning with that line and ending
21 with page 89, line 8.

- 1 **238.** Page 89, line 11: delete the material beginning with that line and ending
2 with page 97, line 2.
- 3 **239.** Page 97, line 12: on lines 12 and 20, delete “P.L. 106-554.”.
- 4 **240.** Page 98, line 4: on lines 4, 13 and 25, delete “P.L. 106-554.”.
- 5 **241.** Page 99, line 8: on lines 8, 14 and 17, delete “P.L. 106-554.”.
- 6 **242.** Page 100, line 3: on lines 3, 12 and 21, delete “P.L. 106-554, P.L.
7 106-573.”.
- 8 **243.** Page 101, line 5: on lines 5 and 18, delete “P.L. 106-554, P.L. 106-573.”.
- 9 **244.** Page 102, line 2: on lines 2, 8 and 11, delete “P.L. 106-554, P.L.
10 106-573.”.
- 11 **245.** Page 102, line 21: delete “106-170, P.L.” and substitute “106-170.”.
- 12 **246.** Page 102, line 22: delete that line and substitute “and P.L. 107-16,
13 excluding”.
- 14 **247.** Page 103, line 6: on lines 6 and 15, delete “P.L. 106-230, P.L. 106-519,
15 P.L. 106-554, P.L. 106-573.”.
- 16 **248.** Page 103, line 24: delete “P.L. 106-230, P.L. 106-519, P.L. 106-554.”.
- 17 **249.** Page 103, line 25: delete “P.L. 106-573.”.
- 18 **250.** Page 104, line 11: delete “P.L. 106-230, P.L. 106-519, P.L.”.
- 19 **251.** Page 104, line 12: delete “106-554, P.L. 106-573.”.
- 20 **252.** Page 104, line 20: delete the material beginning with “P.L. 106-230” and
21 ending with “106-573.” on line 21.
- 22 **253.** Page 105, line 1: delete “P.L. 106-230, P.L. 106-519.”.

- 1 **254.** Page 105, line 2: delete “P.L. 106–554, P.L. 106–573.”.
- 2 **255.** Page 105, line 4: delete “P.L. 106–230, P.L. 106–519, P.L. 106–554, P.L.”.
- 3 **256.** Page 105, line 5: delete “106–573.”.
- 4 **257.** Page 105, line 8: delete the material beginning with “and” and ending
5 with “2001.” on line 9.
- 6 **258.** Page 105, line 15: delete “P.L. 106–200, P.L. 106–230, P.L.”.
- 7 **259.** Page 105, line 16: delete “106–519, P.L. 106–554, P.L. 106–573, and”.
- 8 **260.** Page 105, line 25: delete that line and substitute “and P.L.”.
- 9 **261.** Page 106, line 8: delete “P.L. 106–200, P.L. 106–230.”.
- 10 **262.** Page 106, line 9: delete “P.L. 106–519, P.L. 106–554, P.L. 106–573, and”.
- 11 **263.** Page 106, line 18: delete that line and substitute “and P.L.”.
- 12 **264.** Page 107, line 5: delete that line and substitute “amended by”.
- 13 **265.** Page 107, line 6: delete “and P.L. 107–16” and substitute “P.L. 107–16”.
- 14 **266.** Page 107, line 14: delete “P.L. 106–200, P.L. 106–230.”.
- 15 **267.** Page 107, line 15: delete “P.L. 106–519, P.L. 106–554, P.L. 106–573.”.
- 16 **268.** Page 107, line 19: delete “and before January 1, 2001.”.
- 17 **269.** Page 107, line 20: delete that line and substitute “Revenue Code made
18 by”.
- 19 **270.** Page 107, line 21: delete “106–573, and”.
- 20 **271.** Page 107, line 22: delete “P.L. 106–200.”.
- 21 **272.** Page 107, line 23: delete that line and substitute “P.L. 107–16,
22 excluding”.

- 1 **273.** Page 108, line 1: delete the material beginning with that line and ending
2 with page 112, line 25.
- 3 **274.** Page 113, line 16: delete the material beginning with that line and
4 ending with page 117, line 10.
- 5 **275.** Page 117, line 18: delete “P.L. 106–554.”.
- 6 **276.** Page 118, line 3: on lines 3, 11 and 14, delete “P.L. 106–554.”.
- 7 **277.** Page 118, line 24: delete “P.L. 106–554, P.L. 106–573.”.
- 8 **278.** Page 119, line 9: delete “P.L. 106–554.”.
- 9 **279.** Page 119, line 10: delete “P.L. 106–573.”.
- 10 **280.** Page 119, line 18: on lines 18 and 21, delete “P.L. 106–554, P.L.
11 106–573.”.
- 12 **281.** Page 120, line 6: delete “P.L. 106–230, P.L.”.
- 13 **282.** Page 120, line 7: delete “106–519, P.L. 106–554, P.L. 106–573.”.
- 14 **283.** Page 120, line 17: delete “P.L. 106–230, P.L. 106–519.”.
- 15 **284.** Page 120, line 18: delete “P.L. 106–554, P.L. 106–573.”.
- 16 **285.** Page 120, line 25: delete “106–170, P.L.” and substitute “106–170₁”.
- 17 **286.** Page 121, line 1: delete that line and substitute “and P.L. 107–16,
18 excluding”.
- 19 **287.** Page 121, line 3: delete “P.L. 106–230.”.
- 20 **288.** Page 121, line 4: delete “P.L. 106–519, P.L. 106–554, P.L. 106–573.”.
- 21 **289.** Page 121, line 8: delete “and before January 1, 2001.”.

- 1 **290.** Page 121, line 12: delete “P.L. 106–200, P.L. 106–230, P.L. 106–519,
- 2 P.L.”.
- 3 **291.** Page 121, line 13: delete “106–554, P.L. 106–573.”.
- 4 **292.** Page 121, line 23: delete “P.L. 106–200, P.L. 106–230, P.L. 106–519.”.
- 5 **293.** Page 121, line 24: delete “P.L. 106–554, P.L. 106–573.”.
- 6 **294.** Page 122, line 5: delete “and before January 1, 2001.”.
- 7 **295.** Page 122, line 6: delete “P.L. 106–200, P.L. 106–230, P.L. 106–519, P.L.”.
- 8 **296.** Page 122, line 7: delete “106–554, P.L. 106–573, and”.
- 9 **297.** Page 122, line 9: delete that line and substitute “and P.L.”.
- 10 **298.** Page 122, line 12: delete the material beginning with that line and
- 11 ending with page 124, line 14.
- 12 **299.** Page 125, line 19: delete the material beginning with that line and
- 13 ending with page 129, line 2.
- 14 **300.** Page 129, line 10: on lines 10, 17 and 25, delete “P.L. 106–554.”.
- 15 **301.** Page 130, line 3: delete “P.L. 106–554.”.
- 16 **302.** Page 130, line 12: on lines 12 and 20, delete “P.L. 106–554, P.L.
- 17 106–573.”.
- 18 **303.** Page 131, line 3: on lines 3 and 6, delete “P.L. 106–554, P.L. 106–573.”.
- 19 **304.** Page 131, line 14: delete “P.L. 106–230, P.L. 106–519, P.L. 106–554.”.
- 20 **305.** Page 131, line 15: delete “P.L. 106–573.”.
- 21 **306.** Page 131, line 23: delete “P.L. 106–230, P.L. 106–519, P.L. 106–554, P.L.
- 22 106–573.”.

- 1 **307.** Page 132, line 5: delete “P.L. 106–230, P.L. 106–519.”.
- 2 **308.** Page 132, line 6: delete “P.L. 106–554, P.L. 106–573.”.
- 3 **309.** Page 132, line 8: delete “P.L. 106–230, P.L. 106–519, P.L. 106–554, P.L.”.
- 4 **310.** Page 132, line 9: delete “106–573.”.
- 5 **311.** Page 132, line 12: delete the material beginning with “and” and ending
6 with “2001.” on line 13.
- 7 **312.** Page 132, line 17: delete that line and substitute “amended by”.
- 8 **313.** Page 132, line 18: delete “and P.L. 107–16” and substitute “P.L. 107–16”.
- 9 **314.** Page 133, line 1: delete that line and substitute “and P.L.”.
- 10 **315.** Page 133, line 7: delete “and before January 1, 2001.”.
- 11 **316.** Page 133, line 8: delete “P.L. 106–200, P.L. 106–230, P.L. 106–519, P.L.”.
- 12 **317.** Page 133, line 9: delete “106–554, P.L. 106–573, and”.
- 13 **318.** Page 133, line 11: delete that line and substitute “P.L.”.
- 14 **319.** Page 133, line 14: delete the material beginning with that line and
15 ending with page 135, line 9.
- 16 **320.** Page 135, line 24: delete the material beginning with that line and
17 ending with page 138, line 9.
- 18 **321.** Page 139, line 16: after that line insert:
- 19 “**SECTION 233b.** 74.48 of the statutes is repealed.
- 20 **SECTION 233d.** 74.485 of the statutes is created to read:
- 21 **74.485 Penalty for converting agricultural land. (1) DEFINITION.** In this
22 section, “agricultural land” has the meaning given in s. 70.32 (2) (c) 1.

1 **(2) PENALTY.** Except as provided in sub. (4), a person who owns land that has
2 been assessed as agricultural land under s. 70.32 (2r) and who converts the land's
3 use so that the land is not eligible to be assessed as agricultural land under s. 70.32
4 (2r), as determined by the assessor of the taxation district in which the land is
5 located, shall pay a penalty to the county in which the land is located in an amount,
6 calculated by the county treasurer, that is equal to the number of acres converted
7 multiplied by the amount of the difference between the average fair market value of
8 an acre of agricultural land sold in the county in the year before the year that the
9 person converts the land, as determined under sub. (3), and the average equalized
10 value of an acre of agricultural land in the county in the year before the year that the
11 person converts the land, as determined under sub. (3), multiplied by the following:

12 (a) Five percent, if the converted land is more than 30 acres.

13 (b) Seven and one-half percent, if the converted land is 30 acres or less but at
14 least 10 acres.

15 (c) Ten percent, if the converted land is less than 10 acres.

16 **(3) VALUE DETERMINATION.** Annually, the department of revenue shall
17 determine the average equalized value of an acre of agricultural land in each county
18 in the previous year, as provided under s. 70.57, and the average fair market value
19 of an acre of agricultural land sold in each county in the previous year based on the
20 sales in each county in the previous year of parcels of agricultural land that are 38
21 acres or more to buyers who intend to use the land as agricultural land.

22 **(4) EXCEPTIONS AND DEFERRAL.** (a) A person who owns land that has been
23 assessed as agricultural land under s. 70.32 (2r) and who converts the land's use so
24 that the land is not eligible to be assessed as agricultural land under s. 70.32 (2r) is

1 not subject to a penalty under sub. (2) if the amount of the penalty determined under
2 sub. (2) represents less than \$25 for each acre of converted land.

3 (b) If a person owes a penalty under sub. (2), the treasurer of the county in
4 which the person's land is located may defer payment of the penalty to the succeeding
5 taxable year if the person demonstrates to the assessor of the taxation district in
6 which the land is located that the person's land will be used as agricultural land in
7 the succeeding taxable year. A person who receives a deferral under this paragraph
8 is not subject to the penalty under sub. (2) related to the deferral, if the person's land
9 is used as agricultural land in the succeeding taxable year. If the land of a person
10 who receives a deferral under this paragraph is not used as agricultural land in the
11 succeeding taxable year, the person shall pay the penalty with interest at the rate
12 of 1% a month, or fraction of a month, from the date that the treasurer granted a
13 deferral to the date that the penalty is paid.

14 (5) PAYMENT. Except as provided in sub. (4), a person who owes a penalty under
15 sub. (2) shall pay the penalty to the county in which the person's land related to the
16 penalty is located no later than 30 days after the date that the penalty is assessed.
17 A penalty that is not paid on the date it is due is considered delinquent and shall be
18 paid with interest at the rate of 1% a month, or fraction of a month, from the date that
19 the penalty is assessed to the date that the penalty is paid. The county shall collect
20 an unpaid penalty as a special charge against the land related to the penalty.

21 (6) DISTRIBUTION. A county that collects a penalty under this section shall
22 distribute 50% of the amount of the penalty to the taxation district in which the land
23 related to the penalty is located. If the land related to the penalty is located in 2 or
24 more taxation districts, the county shall distribute 50% of the amount of the penalty
25 to the taxation districts in proportion to the equalized value of the land related to the

1 penalty that is located in each taxation district. A taxation district shall distribute
2 50% of any amount it receives under this subsection to an adjoining taxation district,
3 if the taxation district in which the land related to the penalty is located annexed the
4 land related to the penalty from the adjoining taxation district in either of the 2 years
5 preceding a distribution under this subsection.

6 (7) NOTICE. A person who owns land that has been assessed as agricultural land
7 under s. 70.32 (2r) and who sells the land shall notify the buyer of the land of all of
8 the following:

9 (a) That the land has been assessed as agricultural land under s. 70.32 (2r).

10 (b) Whether the person who owns the land and who is selling the land has been
11 assessed a penalty under sub. (2) related to the land.

12 (c) Whether the person who owns the land and who is selling the land has been
13 granted a deferral under sub. (4) related to the land.

14 (8) TAXATION DISTRICT ASSESSOR. The assessors of the taxation districts located
15 in the county shall inform the county treasurer and the real property lister of all sales
16 of agricultural land located in the county.

17 (9) ADMINISTRATION. The county in which the land as described in sub. (1) is
18 located shall administer the penalty under this section.”.

19 **322.** Page 139, line 16: after that line insert:

20 “SECTION 232f. 71.93 (1) (a) 3. of the statutes, as affected by 2001 Wisconsin
21 Act 16, is amended to read:

22 71.93 (1) (a) 3. An amount that the department of health and family services
23 may recover under s. ~~49.45 (2) (a) 10.~~ or 49.497, if the department of health and
24 family services has certified the amount under s. 49.85.”.

1 **323.** Page 139, line 16: after that line insert:

2 “**SECTION 233b.** 77.52 (2) (a) 5. of the statutes is renumbered 77.52 (2) (a) 5. a.
3 and amended to read:

4 77.52 (2) (a) 5. a. The sale of telecommunications services, except services
5 subject to 4 USC 116 to 126, as amended by P.L. 106–252, that either originate or
6 terminate in this state; except services that are obtained by means of a toll-free
7 number, that originate outside this state and that terminate in this state; and are
8 charged to a service address in this state, regardless of the location where that charge
9 is billed or paid; and the sale of the rights to purchase telecommunications services,
10 including purchasing reauthorization numbers, by paying in advance and by using
11 an access number and authorization code, except sales that are subject to subd. 5. b.

12 **SECTION 233d.** 77.52 (2) (a) 5. b. of the statutes is created to read:

13 77.52 (2) (a) 5. b. The sale of services subject to 4 USC 116 to 126, as amended
14 by P.L. 106–252, if the customer’s place of primary use of the services is in this state,
15 as determined under 4 USC 116 to 126, as amended by P.L. 106–252. For purposes
16 of this subd. 5. b., all of the provisions of 4 USC 116 to 126, as amended by P.L.
17 106–252, are adopted, except that if 4 USC 116 to 126, as amended by P.L. 106–252,
18 or the application of 4 USC 116 to 126, as amended by P.L. 106–252, is found
19 unconstitutional the sale of telecommunications services is subject to the tax
20 imposed under this section as provided in subd. 5. a.

21 **SECTION 233f.** 77.52 (3m) (intro.) of the statutes is amended to read:

22 77.52 (3m) (intro.) In regard to the sale of the rights to purchase
23 telecommunications services under sub. (2) (a) 5. a.:

24 **SECTION 233h.** 77.52 (3n) of the statutes is created to read:

1 77.52 (3n) In regard to the sale of the rights to purchase telecommunications
2 services under sub. (2) (a) 5. b., the situs of the sale is as determined under 4 USC
3 116 to 126, as amended by P.L. 106–252.

4 **SECTION 233j.** 77.525 of the statutes is amended to read:

5 **77.525 Reduction to prevent double taxation.** Any person who is subject
6 to the tax under s. 77.52 (2) (a) 5. a. on telecommunications services that terminate
7 in this state and who has paid a similar tax on the same services to another state may
8 reduce the amount of the tax remitted to this state by an amount equal to the similar
9 tax properly paid to another state on those services or by the amount due this state
10 on those services, whichever is less. That person shall refund proportionally to the
11 persons to whom the tax under s. 77.52 (2) (a) 5. a. was passed on an amount equal
12 to the amounts not remitted.

13 **SECTION 233k.** 77.54 (46m) of the statutes is created to read:

14 **77.54 (46m)** The gross receipts from the sale of and the storage, use, or other
15 consumption of telecommunications services, if the telecommunications services are
16 obtained by using the rights to purchase telecommunications services, including
17 purchasing reauthorization numbers, by paying in advance and by using an access
18 number and authorization code; and if the tax imposed under s. 77.52 or 77.53 was
19 previously paid on the sale or purchase of such rights.

20 **SECTION 233L.** 77.72 (3) (b) of the statutes is amended to read:

21 **77.72 (3) (b) Exceptions.** ~~Communication~~ A communication service has a situs
22 where the customer is billed for the service if the customer calls collect or pays by
23 credit card. Services subject to s. 77.52 (2) (a) 5. b. have a situs at the customer's place
24 of primary use of the services, as determined under 4 USC 116 to 126, as amended
25 by P.L. 106–252. Towing services have a situs at the location to which the vehicle is

1 delivered. Services performed on tangible personal property have a situs at the
2 location where the property is delivered to the buyer.”.

3 **324.** Page 139, line 17: delete the material beginning with that line and
4 ending with page 153, line 25.

5 **325.** Page 153, line 25: after that line insert:

6 “**SECTION 258pr.** 84.013 (1) (a) (intro.) of the statutes is amended to read:

7 84.013 (1) (a) (intro.) “Major highway project” means a project, except a project
8 providing an approach to a bridge over a river that forms a boundary of the state or
9 a southeast Wisconsin freeway rehabilitation project under s. 84.014, which has a
10 total cost of more than \$5,000,000 and which involves any of the following:

11 **SECTION 258ps.** 84.013 (2) of the statutes, as affected by 2001 Wisconsin Act
12 16, is amended to read:

13 84.013 (2) (a) Subject to ~~s.~~ ss. 84.555 and 86.255, major highway projects shall
14 be funded from the appropriations under ss. 20.395 (3) (bq) to (bx) and (4) (jq) and
15 20.866 (2) (ur) to ~~(uu)~~ (uum).

16 (b) Except as provided in ss. 84.014 ~~and~~, 84.03 (3), and 84.555, and subject to
17 s. 86.255, reconditioning, reconstruction and resurfacing of highways shall be
18 funded from the appropriations under s. 20.395 (3) (cq) to (cx).

19 **SECTION 258pt.** 84.014 (2) of the statutes, as created by 2001 Wisconsin Act 16,
20 is amended to read:

21 84.014 (2) ~~Notwithstanding s. 84.013 and subject~~ Subject to s. ss. 84.555 and
22 86.255, any southeast Wisconsin freeway rehabilitation projects, including the
23 Marquette interchange reconstruction project and projects that involve adding one
24 or more lanes 5 miles or more in length to the existing freeway, may be funded only

1 from the appropriations under ~~s.~~ ss. 20.395 (3) (cr), (cw), and (cy) and 20.866 (2)
2 (uum).

3 **SECTION 258pu.** 84.014 (5m) of the statutes is created to read:

4 84.014 (5m) (a) Notwithstanding any other provision of this section, the
5 department may not expend any moneys from the appropriations under s. 20.395 (3)
6 (cr), (cw), and (cy) for a southeast Wisconsin freeway rehabilitation project that
7 involves adding one or more lanes 5 miles or more in length to the existing freeway
8 unless the project is specifically enumerated in a list under par. (b).

9 (b) The department may proceed with the following southeast Wisconsin
10 freeway rehabilitation projects:

11 1. No projects are enumerated under this paragraph as of the effective date of
12 this subdivision [revisor inserts date].

13 **SECTION 258pv.** 84.03 (2) (c) of the statutes is amended to read:

14 84.03 (2) (c) After receiving a plan under par. (b) 1., the cochairpersons of the
15 joint committee on finance jointly shall determine whether the plan is complete. If
16 the joint committee on finance meets and either approves or modifies and approves
17 a plan submitted under par. (b) 1. within 14 days after the cochairpersons determine
18 that the plan is complete, the secretary shall implement the plan as approved by the
19 committee. If the joint committee on finance does not meet and either approve or
20 modify and approve a plan submitted under par. (b) 1. within 14 days after the
21 cochairpersons determine that the plan is complete, the secretary shall implement
22 the proposed plan. If the joint committee on finance approves a plan under s. 84.555
23 for a state fiscal year, the joint committee on finance may modify a plan implemented
24 under this paragraph for that fiscal year.

25 **SECTION 258pw.** 84.555 of the statutes is created to read:

1 **84.555 Additional funding of major highway and rehabilitation**
2 **projects. (1)** Notwithstanding ss. 84.51 and 84.59, major highway projects, as
3 defined under s. 84.013 (1) (a), for the purposes of ss. 84.06 and 84.09, southeast
4 Wisconsin freeway rehabilitation projects under s. 84.014, and state highway
5 rehabilitation projects for the purposes specified in s. 20.395 (3) (cq), may be funded
6 with the proceeds of general obligation bonds issued under s. 20.866 (2) (uum) if all
7 of the following conditions are satisfied:

8 (a) The department's most recent estimate of the amount of federal funds, as
9 defined in s. 84.03 (2) (a) 1., that the department will be appropriated under s. 20.395
10 in the current state fiscal year is less than 95% of the amount of federal funds shown
11 in the schedule, as defined in s. 84.03 (2) (a) 2., for the appropriations under s. 20.395
12 in that fiscal year.

13 (b) The secretary has submitted a plan to the joint committee on finance for the
14 use of proceeds of general obligation bonds issued under s. 20.866 (2) (uum) and the
15 joint committee on finance has approved the plan, except that the secretary may not
16 submit, and the joint committee on finance may not approve, a plan for the use of an
17 amount of proceeds of general obligation bonds that exceeds the difference between
18 the amount of federal funds, as defined in s. 84.03 (2) (a) 1., actually available to the
19 department to be appropriated under s. 20.395 in the current state fiscal year and
20 the amount of federal funds shown in the schedule, as defined in s. 84.03 (2) (a) 2.,
21 for the appropriations under s. 20.395 in that fiscal year.

22 **(2)** The joint committee on finance may approve, or modify and approve, a plan
23 received under sub. (1) (b) using the procedure specified in s. 84.03 (2) (c). No plan
24 submitted under sub. (1) (b) may be implemented unless the joint committee on
25 finance has approved, or modified and approved, the plan.

1 **(3)** The secretary may submit a plan under sub. (1) (b) at any time during a
2 state fiscal year after the condition specified in sub. (1) (a) is satisfied for that fiscal
3 year.”.

4 **326.** Page 153, line 25: after that line insert:

5 “**SECTION 258dd.** 84.013 (4) (b) of the statutes is amended to read:

6 84.013 **(4)** (b) The department may not, within any 6–year period, construct a
7 highway project consisting of separate contiguous projects which do not individually
8 qualify as major highway projects but which in their entirety would constitute a
9 major highway project without first submitting the project to the transportation
10 projects commission for its recommendations and report and without specific
11 authorization under sub. (3), except as provided in par. (c) and sub. (6) and s. 84.014
12 (2m).

13 **SECTION 258dg.** 84.014 (1) (c) of the statutes, as created by 2001 Wisconsin Act
14 16, is amended to read:

15 84.014 **(1)** (c) “Reconstruction” means the rebuilding of highways and bridges,
16 including improvements to enhance highway safety, design, or capacity. The term
17 includes activities associated with such rebuilding, including design engineering,
18 traffic mitigation, property acquisition, and utility facility relocation and, with
19 respect to the Marquette interchange reconstruction project, includes the
20 construction or reconstruction of alternate routes for purposes of traffic mitigation.

21 The term does not include interim repairs.

22 **SECTION 258dj.** 84.014 (2m) of the statutes is created to read:

1 84.014 **(2m)** Notwithstanding s. 84.013 (4) (b), the Marquette interchange
2 reconstruction project may include construction that consists of extending STH 794
3 in Milwaukee County as an alternate route for purposes of traffic mitigation.”.

4 **327.** Page 153, line 25: after that line insert:

5 “**SECTION 257m.** 84.185 (3m) of the statutes is created to read:

6 84.185 **(3m)** REVIEW OF APPLICATIONS. The department shall accept, review, and
7 make determinations on applications for assistance under this section on a
8 continuing, year–round basis. The department shall make a determination on each
9 application for assistance under this section within a reasonable time after its
10 receipt by the department.”.

11 **328.** Page 153, line 25: after that line insert:

12 “**SECTION 257bd.** 79.097 of the statutes is created to read:

13 **79.097 Consolidation and annexation aid.** Beginning with distributions
14 in 2004, municipalities that consolidate shall receive a payment in each of the 3 years
15 following the date on which the consolidation is certified and a town from which
16 territory is annexed shall receive a payment in each of the 3 years following the date
17 on which the annexation takes effect. The department of revenue shall promulgate
18 rules to administer this section.”.

19 **329.** Page 153, line 25: after that line insert:

20 “**SECTION 258m.** 85.12 (3) of the statutes, as affected by 2001 Wisconsin Act 16,
21 is amended to read:

22 85.12 **(3)** The department may contract with any local governmental unit, as
23 defined in s. ~~22.04~~ 16.97 (7), to provide that local governmental unit with services
24 under this section.”.

1 **330.** Page 153, line 25: after that line insert:

2 “**SECTION 258r.** 84.02 (15) of the statutes is created to read:

3 **84.02 (15)** TRAFFIC CONTROL SIGNAL EMERGENCY PREEMPTION DEVICES. (a) In this
4 subsection:

5 1. “Additional cost” means the difference in cost between installation of a traffic
6 control signal that is equipped with an emergency preemption device and
7 confirmation signal and installation of a traffic control signal that is not so equipped,
8 and includes the difference in incidental costs such as electrical wiring.

9 2. “Authorized emergency vehicle” has the meaning given in s. 340.01 (3) (a),
10 (c), (g), or (i).

11 3. “Confirmation signal” means a white signal, located on or near a traffic
12 control signal equipped with an emergency preemption device, that is designed to be
13 visible to the operator of an approaching authorized emergency vehicle and that
14 confirms to the operator that the emergency preemption device has received a
15 transmission from the operator.

16 4. “Emergency preemption device” means an electrical device, located on or
17 within a traffic control signal, that is designed to receive an electronic, radio, or sonic
18 transmission from an approaching authorized emergency vehicle that alters the
19 normal sequence of the traffic control signal to provide or maintain a green signal for
20 the authorized emergency vehicle to proceed through the intersection.

21 5. “Political subdivision” means a county, city, village, or town.

22 6. “Traffic control signal” means any electrical device by which traffic is
23 alternately directed to stop and permitted to proceed by means of exhibiting different
24 colored lights successively.

1 (b) Before the department installs a new traffic control signal on a state trunk
2 highway within the corporate limits of any political subdivision, the department
3 shall do all of the following:

4 1. Notify the political subdivision of the planned traffic control signal
5 installation.

6 2. Notify the political subdivision of the additional cost of equipping the traffic
7 control signal with an emergency preemption device and confirmation signal.

8 3. Provide the political subdivision with the opportunity to request that the
9 traffic control signal be equipped with an emergency preemption device and
10 confirmation signal.

11 (c) If any political subdivision requests under par. (b) 3. that the department
12 equip the traffic control signal with an emergency preemption device and
13 confirmation signal, and one or more political subdivisions contributes a total of 50%
14 of the additional cost specified under par. (b) 2., the department shall equip the traffic
15 control signal with an emergency preemption device and confirmation signal when
16 the department installs the traffic control signal.

17 (d) Notwithstanding pars. (b) and (c), this subsection does not prohibit the
18 department from installing on any state trunk highway, at the department's
19 expense, any traffic control signal equipped with an emergency preemption device
20 and confirmation signal. The department may install a new traffic control signal
21 equipped with an emergency preemption device and confirmation signal under this
22 paragraph without providing notice and an opportunity to respond under par. (b) to
23 any political subdivision. The department shall install a confirmation signal with
24 every new emergency preemption device installed by the department under this
25 paragraph.

1 (e) Any new traffic control signal installed by the department after the effective
2 date of this paragraph [revisor inserts date], that is not equipped with an
3 emergency preemption device shall include all electrical wiring necessary to equip
4 the traffic control signal with an emergency preemption device and confirmation
5 signal.

6 (f) The department shall promulgate rules to implement and administer this
7 subsection. The rules shall include procedures and deadlines for the department's
8 notification of political subdivisions, and for political subdivisions' requests and
9 contributions to the department, under this subsection.

10 **SECTION 258x.** 85.07 (7) (c) of the statutes is created to read:

11 85.07 (7) (c) Notwithstanding par. (b), the department shall, in each fiscal year,
12 expend federal funds available under 23 USC 152 for hazard elimination projects
13 that reduce the response time of emergency vehicles regardless of reduction in motor
14 vehicle accidents.”.

15 **331.** Page 154, line 4: after that line insert:

16 “**SECTION 259cd.** 88.11 (1) (intro.) of the statutes is amended to read:

17 88.11 (1) (intro.) The department of ~~agriculture, trade and consumer protection~~
18 natural resources shall employ an engineer, who shall be the state drainage engineer,
19 to improve district operations. The department shall do all of the following:

20 **SECTION 259ce.** 88.11 (1) (e) of the statutes is repealed.

21 **SECTION 259cf.** 88.11 (1) (i) of the statutes is amended to read:

22 88.11 (1) (i) Establish, by rule, performance standards for drainage district
23 structures, ditches, maintenance and operations, in order to minimize adverse

1 effects on water quality. The performance standards shall be consistent with any
2 requirements imposed by ~~the department of natural resources~~ under s. 88.31.

3 **SECTION 259cg.** 88.11 (1m) of the statutes is amended to read:

4 **88.11 (1m)** The department of agriculture, ~~trade and consumer protection~~
5 natural resources may perform any functions related to drainage districts that the
6 department considers appropriate.

7 **SECTION 259ch.** 88.11 (2) of the statutes is amended to read:

8 **88.11 (2)** The state drainage engineer shall provide technical assistance to
9 improve district operations on the request of the ~~department of natural resources,~~
10 drainage board, landowners in the district or the judge.

11 **SECTION 259ci.** 88.11 (3) (intro.) of the statutes is amended to read:

12 **88.11 (3) (intro.)** If the area proposed for drainage exceeds 200 acres in a single
13 project, the board or the petitioners, before the hearing on the report under s. 88.34,
14 88.36 or 88.77, shall procure a report of the department of agriculture, ~~trade and~~
15 ~~consumer protection~~ natural resources on all of the following:

16 **SECTION 259cim.** 88.11 (4) of the statutes is amended to read:

17 **88.11 (4)** The board or the petitioners, with the aid of an engineer having the
18 qualifications specified in s. 88.21 (5), shall make the necessary survey and
19 evaluation as directed by the department of agriculture, ~~trade and consumer~~
20 ~~protection~~ natural resources for its report.

21 **SECTION 259cj.** 88.11 (5) (intro.) of the statutes is amended to read:

22 **88.11 (5) (intro.)** The report of the department of agriculture, ~~trade and~~
23 ~~consumer protection~~ natural resources under sub. (3) also shall include a report of
24 the college of agriculture and life sciences of the University of Wisconsin–Madison
25 on all of the following:

1 **SECTION 259ck.** 88.11 (6) of the statutes is amended to read:

2 **88.11 (6)** A drainage district shall comply with the rules promulgated under
3 this section and any requirements imposed by the department of agriculture, trade
4 and consumer protection natural resources under this section.

5 **SECTION 259cL.** 88.11 (7) of the statutes is amended to read:

6 **88.11 (7)** The department of agriculture, trade and consumer protection
7 natural resources may issue a special order directing the immediate cessation of
8 work regulated under this section until the necessary plan approval is obtained or
9 until the project complies with this section.

10 **SECTION 259cn.** 88.13 of the statutes is amended to read:

11 **88.13 Right to enter lands of drainage district.** Whenever necessary for
12 any purpose connected with the organization of a district or the construction,
13 maintenance or repair of drains and other works, members of the board,
14 representatives of the department of agriculture, trade and consumer protection
15 natural resources, and persons intending to bid on or to whom contracts have been
16 let for the construction of the works within a district and their respective agents and
17 employees may go upon any lands proposed for inclusion or included within a district
18 or on adjoining lands, and are not guilty of trespass therefor but are liable for
19 unnecessary damage caused to crops or structures.

20 **SECTION 259cp.** 88.15 of the statutes is amended to read:

21 **88.15 Drainage board grants. (1)** From the appropriation under s. 20.115
22 (7) (d) 20.370 (6) (dd), the department of agriculture, trade and consumer protection
23 natural resources shall make grants to boards to assist boards to comply with this
24 chapter and rules promulgated under this chapter. A grant under this section may

1 not exceed 60% of the costs incurred by the board to comply with this chapter and
2 rules promulgated under this chapter.

3 (2) The department of ~~agriculture, trade and consumer protection~~ natural
4 resources shall promulgate rules for the administration of the program under this
5 section.

6 (3) The department of ~~agriculture, trade and consumer protection~~ natural
7 resources may not make grants under this section after June 30, 2006.

8 **SECTION 259cq.** 88.19 (4) (a) (intro.) of the statutes is amended to read:

9 88.19 (4) (a) (intro.) Subject to pars. (b) and (d), and subject to criteria and
10 standards under rules that the department of ~~agriculture, trade and consumer~~
11 ~~protection~~ natural resources shall promulgate, all of the following shall occur:

12 **SECTION 259cr.** 88.19 (4) (d) of the statutes is amended to read:

13 88.19 (4) (d) Before any records may be destroyed under this subsection, the
14 secretary of the drainage board and the county zoning administrator shall give at
15 least 60 days' prior written notice of the proposed destruction to the state historical
16 society, which may preserve records that it determines to be of historical interest, and
17 shall give at least 60 days' prior written notice to the state drainage engineer, who
18 may preserve records determined to be of interest to the department of ~~agriculture,~~
19 ~~trade and consumer protection~~ natural resources.

20 **SECTION 259cs.** 88.21 (5) of the statutes is amended to read:

21 88.21 (5) Employ legal counsel, engineers and other assistants. Any engineer
22 employed by the board shall be selected from a list of professional engineers approved
23 by the department of ~~agriculture, trade and consumer protection~~ natural resources.
24 The department of ~~agriculture, trade and consumer protection~~ natural resources
25 shall furnish each drainage board, upon request, a list of professional engineers

1 whom it considers qualified by training and experience to give competent advice in
2 drainage matters.

3 **SECTION 259ct.** 88.24 (intro.) of the statutes is amended to read:

4 **88.24 Board to file annual report.** (intro.) On or before December 1 of each
5 year the board shall file with the department of ~~agriculture, trade and consumer~~
6 ~~protection~~ natural resources and the county zoning administrator a separate report,
7 for the preceding year ending August 31, on each drainage district under the board's
8 jurisdiction. The reports shall constitute part of the records of the districts reported
9 on, shall be verified by the oath of one or more of the board members, and shall
10 contain:

11 **SECTION 259cu.** 88.32 (3m) of the statutes is amended to read:

12 **88.32 (3m)** If the area of the proposed district exceeds 200 acres, the report
13 shall be submitted to the department of ~~agriculture, trade and consumer protection~~
14 natural resources before it is filed with the court. Within 45 days after receipt of the
15 report, the department shall return it with a copy of the report prepared under s.
16 88.11 (3) and (5) with its recommendation for approval or disapproval for the creation
17 of the district.

18 **SECTION 259cv.** 88.35 (7) of the statutes is amended to read:

19 **88.35 (7)** If the area of the district exceeds 200 acres, the report shall be
20 submitted to the department of ~~agriculture, trade and consumer protection~~ natural
21 resources. Within 45 days after its receipt, the department shall return it with a copy
22 of the report prepared under s. 88.11 (3) and (5) and the department's approval or
23 disapproval of the report prepared under sub. (6).

24 **SECTION 259cw.** 88.77 (2) of the statutes is amended to read:

1 88.77 (2) If the undrained portion of the area proposed to be annexed to the
2 district exceeds 200 acres, the drainage board shall request the report described
3 under s. 88.11 (3) and (5) from the department of agriculture, trade and consumer
4 protection natural resources on the annexation. Within 60 days after the request,
5 the department shall prepare and return a copy of the report and its approval or
6 disapproval, as provided under s. 88.35 (7).

7 **SECTION 259ec.** 92.03 (2) of the statutes is amended to read:

8 92.03 (2) “Board” means the land and water conservation board ~~created under~~
9 ~~s. 15.135 (4).~~

10 **SECTION 259ee.** 92.03 (3) of the statutes is amended to read:

11 92.03 (3) “Department” means the department of agriculture, trade and
12 ~~consumer protection~~ natural resources.

13 **SECTION 259ei.** 92.04 (2) (e) of the statutes is amended to read:

14 92.04 (2) (e) *Review joint evaluation plan.* The board shall review the
15 evaluation plan prepared under s. 92.14 (13). After its review, the board shall make
16 recommendations on the plan to the department ~~and to the department of natural~~
17 ~~resources.~~

18 **SECTION 259ek.** 92.05 (1) of the statutes is amended to read:

19 92.05 (1) **CENTRAL AGENCY.** The department is the central agency of this state
20 responsible for setting and implementing statewide soil and water conservation
21 policies and administering the state’s soil and water conservation programs. The
22 department shall coordinate its soil and water conservation program with the
23 nonpoint source water pollution abatement program established under s. 281.65, the
24 inland lake protection and rehabilitation program established under ch. 33 and other

1 programs with objectives related to soil and water conservation administered by the
2 department of natural resources or by other state or federal agencies.

3 **SECTION 259en.** 92.05 (3) (f) of the statutes is repealed.

4 **SECTION 259ep.** 92.05 (3) (L) of the statutes is amended to read:

5 92.05 (3) (L) *Technical assistance; performance standards.* The department
6 shall provide technical assistance to county land conservation committees and local
7 units of government for the development of ordinances that implement standards
8 adopted under s. 92.07 (2), 92.105 (1), ~~92.15 (2) or (3)~~ or 281.16 (3). The department's
9 technical assistance shall include preparing model ordinances, providing data
10 concerning the standards and reviewing draft ordinances to determine whether the
11 draft ordinances comply with applicable statutes and rules.

12 **SECTION 259fd.** 92.10 (1) of the statutes is amended to read:

13 92.10 (1) CREATION. There is created a land and water resource management
14 planning program. The department, board and land conservation committees jointly
15 shall develop and administer this program. The department shall consult with the
16 University of Wisconsin–Extension about the administration of this program.

17 **SECTION 259fi.** 92.10 (4) (c) of the statutes is renumbered 92.10 (7) and
18 amended to read:

19 92.10 (7) PLAN ASSISTANCE. The department University of
20 Wisconsin–Extension shall assist land conservation committees in preparing land
21 and water resource management plans.

22 **SECTION 259fn.** 92.10 (5) (b) of the statutes is amended to read:

23 92.10 (5) (b) *Solicit comments.* The board shall solicit comments on land
24 conservation committee plans from the agencies identified as advisers to the board
25 under s. ~~15.135~~ 15.345 (4).

1 **SECTION 259fp.** 92.10 (6) (a) 1. of the statutes is amended to read:

2 92.10 **(6)** (a) 1. Includes an assessment of water quality and soil erosion
3 conditions throughout the county, including any assessment available from the
4 department of ~~natural resources~~.

5 **SECTION 259ft.** 92.10 (8) of the statutes is amended to read:

6 92.10 **(8)** DUTIES OF THE DEPARTMENT OF ~~NATURAL RESOURCES~~. The department
7 of ~~natural resources~~ shall provide counties with assistance in land and water
8 resource management planning, including providing available water quality data
9 and information, providing training and support for water resource assessments and
10 appraisals and providing related program information.

11 **SECTION 259hc.** 92.14 (2) (j) of the statutes is repealed.

12 **SECTION 259he.** 92.14 (3) (intro.) of the statutes is amended to read:

13 92.14 **(3)** BASIC ALLOCATIONS TO COUNTIES. (intro.) To help counties fund their
14 land and water conservation activities, the department shall award an annual grant
15 from the appropriation under s. 20.115 (7) (c) 20.370 (6) (ac) or ~~(qd)~~ (as) or s. 20.866
16 (2) (we) to any county land conservation committee that has a land and water
17 resource management plan approved by the department under s. 92.10 (4) (d), and
18 that, by county board action, has resolved to provide any matching funds required
19 under sub. (5g). The county may use the grant for land and water resource
20 management planning and for any of the following purposes, consistent with the
21 approved land and water resource management plan:

22 **SECTION 259hg.** 92.14 (6) (b) of the statutes is amended to read:

23 92.14 **(6)** (b) The department and the department of ~~natural resources~~ shall
24 prepare an annual grant allocation plan identifying the amounts to be provided to
25 counties under this section and ss. 281.65 and 281.66. In the allocation plan, the

1 ~~departments~~ department shall attempt to provide funding under this section for an
2 average of 3 staff persons per county with full funding for the first staff person, 70%
3 funding for the 2nd staff person and 50% funding for any additional staff persons and
4 to provide an average of \$100,000 per county for cost-sharing grants. The
5 department shall submit that plan to the board.

6 **SECTION 259hi.** 92.14 (6) (d) of the statutes is amended to read:

7 92.14 (6) (d) The board shall review the annual allocation plan submitted to
8 it under par. (b) and make recommendations to the department of agriculture, trade
9 and consumer protection and the department of natural resources on approval,
10 modification or disapproval of the plan.

11 **SECTION 259hk.** 92.14 (6) (h) 3. of the statutes is amended to read:

12 92.14 (6) (h) 3. Nothing in this paragraph affects the authority of the
13 department of natural resources to act under ch. 283.

14 **SECTION 259hm.** 92.14 (6) (m) of the statutes is amended to read:

15 92.14 (6) (m) The department of agriculture, trade and consumer protection
16 and the department of natural resources and the University of Wisconsin-Extension
17 shall assist counties in conducting the activities for which grants under sub. (3) may
18 be used.

19 **SECTION 259hn.** 92.14 (6) (n) of the statutes is created to read:

20 92.14 (6) (n) The University of Wisconsin-Extension shall assist the
21 department in the administration of the program under this section.

22 **SECTION 259hp.** 92.14 (8) of the statutes is amended to read:

23 92.14 (8) RULES. ~~In consultation with the department of natural resources, the~~
24 The department shall promulgate rules to administer this section and ~~the~~
25 ~~department's duties under s. 281.65.~~

1 **SECTION 259hq.** 92.14 (12) of the statutes is amended to read:

2 92.14 **(12)** ANNUAL REPORT. Annually, the department, ~~in cooperation with the~~
3 ~~department of natural resources,~~ shall submit a report on the progress of the
4 program under this section and s. 281.65 to the board.

5 **SECTION 259hr.** 92.14 (13) of the statutes is amended to read:

6 92.14 **(13)** EVALUATION PLAN. The department, ~~jointly with the department of~~
7 ~~natural resources,~~ shall prepare a plan, which includes water quality monitoring and
8 analysis, for evaluating the program administered under this section and s. 281.65
9 and submit the plan to the board. The board shall make recommendations to the
10 department ~~and the department of natural resources~~ on the plan. The department
11 shall review and ~~approve or disapprove~~ decide whether to modify the plan and shall
12 notify the board of its final action on the plan. The department shall implement ~~any~~
13 ~~part of the plan for which the plan gives it responsibility.~~

14 **SECTION 259ht.** 92.14 (14) of the statutes is amended to read:

15 92.14 **(14)** APPLICATION, ALLOCATION, REPORTING AND EVALUATION. The
16 department, ~~jointly with the department of natural resources,~~ shall develop a single
17 set of grant application, reporting and evaluation forms for use by counties receiving
18 grants under this section and ss. 281.65 and 281.66. The department, ~~jointly with~~
19 ~~the department of natural resources,~~ shall implement a single process for grant
20 application, funding allocation, reporting and evaluation for counties receiving
21 grants under this section and ss. 281.65 and 281.66.

22 **SECTION 259hv.** 92.14 (14m) of the statutes is amended to read:

23 92.14 **(14m)** COORDINATION. The department ~~of agriculture, trade and~~
24 ~~consumer protection and the department of natural resources,~~ ~~jointly,~~ shall review
25 applications from counties for grants under sub. (5r) and, for projects and activities

1 selected to receive funding shall determine whether to provide funding under this
2 section or under s. 281.65 or 281.66.

3 **SECTION 259hw.** 92.14 (15) of the statutes is repealed.

4 **SECTION 259hx.** 92.15 of the statutes is renumbered 93.38.

5 **SECTION 259ic.** 92.18 (4) of the statutes is repealed.

6 **SECTION 259id.** 92.18 (5) of the statutes is amended to read:

7 92.18 (5) Any training required under this section may be conducted by the
8 department ~~or the department of natural resources~~ or by another person with the
9 approval of the department.”.

10 **332.** Page 154, line 4: after that line insert:

11 “**SECTION 259p.** 93.01 (1m) of the statutes is amended to read:

12 93.01 (1m) “Business” includes any business, except that of banks, savings
13 banks, credit unions, savings and loan associations, and insurance companies.
14 “Business” includes public utilities and telecommunications carriers to the extent
15 that their activities, beyond registration, notice, and reporting activities, are not
16 regulated by the public service commission and includes public utility and
17 telecommunications carrier methods of competition or trade and advertising
18 practices that are exempt from regulation by the public service commission under s.
19 196.195, 196.196, 196.202, 196.203, 196.219, or 196.499 or by other action of the
20 commission.”.

21 **333.** Page 154, line 4: after that line insert:

22 “**SECTION 259m.** 93.01 (1r) of the statutes is created to read:

1 **93.01 (1r)** “Civil investigative demand” means a written document prepared
2 by the department that is related to the enforcement of chs. 93 to 100 and that orders
3 a person to do any of the following:

4 (a) Provide originals or copies of documents, records, or reports in the person’s
5 custody.

6 (b) Answer specific questions submitted by the department in the form of
7 written depositions, interrogatories, or requests for admissions.

8 (c) Allow employees of the department to review and copy documents, records,
9 or reports in the person’s custody.”.

10 **334.** Page 154, line 4: after that line insert:

11 “**SECTION 259d.** 93.07 (1) of the statutes is amended to read:

12 **93.07 (1) REGULATIONS.** To make and enforce such regulations, not inconsistent
13 with law, as it may deem necessary for the exercise and discharge of all the powers
14 and duties of the department, and to adopt such measures and make such
15 regulations as are necessary and proper for the enforcement by the state of
16 department to carry out its duties and powers under chs. 93 to 100, which regulations
17 shall have the force of law.”.

18 **335.** Page 154, line 4: after that line insert:

19 “**SECTION 259c.** 93.02 of the statutes is amended to read:

20 **93.02 Staff.** The secretary shall appoint all staff necessary for the carrying out
21 of the duties of the department, all of whom shall be under the classified service
22 ~~except the deputy secretary, the executive assistant and, subject to s. 230.08 (4) (a),~~
23 ~~the administrators of divisions. Each such deputy secretary, executive assistant or,~~

1 Any administrator shall be appointed by the secretary with the approval of the
2 board.”.

3 **336.** Page 154, line 17: after that line insert:

4 “**SECTION 259u.** 93.14 (1m) of the statutes is created to read:

5 93.14 **(1m)** (a) Any person who has been served with a department complaint,
6 notice, order, or other process as authorized in s. 93.18 (5) shall be subject to the
7 department’s authority and jurisdiction, as limited by par. (b).

8 (b) The department’s jurisdiction may not exceed the jurisdiction granted to
9 courts under s. 815.05.

10 **SECTION 259v.** 93.14 (3) of the statutes is amended to read:

11 93.14 **(3)** Any person who shall unlawfully fail to attend as a witness, fail to
12 comply with a subpoena, order, or civil investigative demand, or refuse to testify may
13 be coerced as provided in s. 885.12.

14 **SECTION 259w.** 93.15 (1) of the statutes is amended to read:

15 93.15 **(1)** The department may, by general or special order, require persons
16 ~~engaged in business~~ to file with the department, at such time and in such manner
17 as the department may direct, sworn or unsworn reports or sworn or unsworn
18 answers in writing to specific questions, as to any matter which the department may
19 investigate.

20 **SECTION 259x.** 93.15 (2) of the statutes is amended to read:

21 93.15 **(2)** The department or any of its authorized agents may have access to
22 and may copy any document, or any part thereof, which of a document, that is in the
23 possession or under the control of any person engaged in business, if such the

1 document, or such part thereof of the document, is relevant to any matter ~~which~~ that
2 the department may investigate.”.

3 **337.** Page 154, line 17: after that line insert:

4 “**SECTION 259sd.** 93.07 (23) of the statutes is created to read:

5 **93.07 (23)** CONSUMER PROTECTION ADMINISTRATION. To administer ss. 100.01 to
6 100.03, 100.05 to 100.07, 100.14, 100.183 to 100.19, 100.201, 100.206, 100.208,
7 100.21, 100.22, 100.235, 100.265, 100.27, 100.285 to 100.297, 100.30, 100.33 to
8 100.36, 100.45, 100.47, 100.48, and 100.51 and to enforce ss. 100.206, 100.21, 100.30,
9 and 100.51.

10 **SECTION 259se.** 93.07 (24) of the statutes is amended to read:

11 **93.07 (24)** ENFORCEMENT OF LAWS. To enforce or assist in the enforcement of chs.
12 88 and 93 to 100 and all other laws entrusted to its administration, and especially:

13 (a) To enforce the laws administered by the department regarding the
14 production, manufacture and sale, offering or exposing for sale or having in
15 possession with intent to sell, of any dairy, food or drug product.

16 (b) To enforce the laws administered by the department regarding the
17 adulteration or misbranding of any articles of food, drink, condiment or drug.

18 (c) To inspect any milk, butter, cheese, lard, syrup, coffee, tea or other article
19 of food, drink, condiment or drug made or offered for sale within this state which it
20 may suspect or have reason to believe, under the laws administered by the
21 department, to be impure, unhealthful, misbranded, adulterated or counterfeit, or
22 in any way unlawful.

23 (d) To prosecute or cause to be prosecuted, under the laws administered by the
24 department, any person engaged in the manufacture or sale, offering or exposing for

1 sale or having in possession with intent to sell, of any adulterated dairy product or
2 of any adulterated, misbranded, counterfeit, or otherwise unlawful article or articles
3 of food, drink, condiment or drug.

4 **SECTION 259sf.** 93.18 (3) of the statutes is amended to read:

5 93.18 (3) The department of justice, after acting pursuant to s. 100.37 or 100.41
6 to 100.43 to order the sale or distribution of any substance, article, furnishing, fabric,
7 product or related material ceased, shall give written notice of its finding to the
8 manufacturer, seller or other person responsible for placing the item in the channels
9 of trade in this state. After such notice no person may sell, remove or otherwise
10 dispose of such item except as directed by the department. Any person affected by
11 such notice may demand a prompt hearing to determine the validity of the
12 department's findings. The hearing, if requested, shall be held as expeditiously as
13 possible but not later than 30 days after notice. A request for hearing does not
14 operate to stay enforcement of the order during the pendency of the hearing. The
15 person petitioning for a hearing shall be entitled to the same rights specified under
16 sub. (2).

17 **SECTION 259sh.** 93.18 (7) of the statutes is created to read:

18 93.18 (7) The department of justice shall follow the procedures under subs. (1),
19 (2), (4), (5), and (6) in enforcing the provisions of ch. 100 that are administered by the
20 department of justice.

21 **SECTION 259sj.** 93.20 (1) of the statutes is amended to read:

22 93.20 (1) DEFINITION. In this section, "action" means an action that is
23 commenced in court by, or on behalf of, the department of agriculture, trade and
24 consumer protection to enforce chs. 88, 91 to 100 or 127 or an action that is
25 commenced in court by the department of justice to enforce ch. 100.

1 **SECTION 259sm.** 93.22 (1) of the statutes is amended to read:

2 93.22 (1) In cases arising under chs. 88 and 93 to ~~400 99 and ss. 100.206, 100.21,~~
3 100.30, and 100.51, the department may be represented by its attorney.

4 **SECTION 259sp.** 93.22 (2) of the statutes is amended to read:

5 93.22 (2) The department may, with the approval of the governor, appoint
6 special counsel to prosecute or assist in the prosecution of any case arising under chs.
7 88 and 93 to ~~400 99 and ss. 100.206, 100.21, 100.30, and 100.51~~. The cost of such
8 special counsel shall be charged to the appropriation for the department.”.

9 **338.** Page 154, line 18: after that line insert:

10 **“SECTION 260h.** 93.38 (3m) of the statutes is created to read:

11 93.38 (3m) The department shall provide technical assistance to county land
12 conservation committees and local units of government for the development of
13 ordinances under sub. (2) or (3). The department’s technical assistance shall include
14 preparing model ordinances, providing data concerning the standards under s.
15 281.16 (3) and reviewing draft ordinances to determine whether the draft ordinances
16 comply with applicable statutes and rules.

17 **SECTION 260hp.** 93.70 of the statutes is renumbered 281.52.”.

18 **339.** Page 154, line 18: after that line insert:

19 **“SECTION 260cm.** 93.75 of the statutes is repealed.”.

20 **340.** Page 154, line 18: delete that line.

21 **341.** Page 155, line 7: after that line insert:

22 **“SECTION 262r.** 100.155 of the statutes is created to read:

23 **100.155 Sale of gift certificates; period of validity. (1) PERIOD OF VALIDITY.**

24 No person engaged in the business of selling goods or services may sell a gift

1 certificate unless the period of validity for the redemption of the gift certificate is at
2 least 2 years.

3 (2) REMEDIES. (a) The department may commence an action to restrain the
4 violation of this section. The court may, before the entry of final judgment, make such
5 orders or judgments as may be necessary to restore any pecuniary loss suffered by
6 any person because of the violation of this section.

7 (b) The court may order a person who commits a violation of this section to pay
8 the reasonable and necessary costs of investigation and of prosecution incurred by
9 the department, including attorney fees, related to the violation, notwithstanding s.
10 814.04 (1).”.

11 **342.** Page 155, line 7: after that line insert:

12 “SECTION 262m. 100.07 (6) of the statutes is amended to read:

13 100.07 (6) ~~Action~~ Upon request of the department, an action to enjoin violation
14 of this section may be commenced and prosecuted by the department of justice in the
15 name of the state in any court having equity jurisdiction.”.

16 **343.** Page 155, line 13: after that line insert:

17 “SECTION 263b. 100.207 (1) of the statutes is renumbered 100.207 (1) (intro.)
18 and amended to read:

19 100.207 (1) ~~DEFINITION~~ DEFINITIONS. (intro.) In this section,
20 “telecommunications:

21 (b) “Telecommunications service” has the meaning given in s. 196.01 (9m).

22 SECTION 263d. 100.207 (1) (am) of the statutes is created to read:

23 100.207 (1) (am) “Telecommunications provider” has the meaning given in s.
24 196.01 (8p).

1 **SECTION 263f.** 100.207 (3) (a) of the statutes is amended to read:

2 100.207 **(3)** (a) A person may not engage in negative option billing or negative
3 enrollment of telecommunications services, including unbundled
4 telecommunications services. A person may not bill a customer for, or enroll a
5 customer in, any telecommunications service that the customer did not affirmatively
6 order unless that service is required to be provided by law, the federal
7 communications commission, or the public service commission. A customer's failure
8 to refuse a person's proposal to provide a telecommunications service is not an
9 affirmative request for that telecommunications service. A customer's request to be
10 enrolled in a particular telecommunications service is an affirmative request to be
11 enrolled only in that particular telecommunications service.

12 **SECTION 263h.** 100.207 (3g) of the statutes is created to read:

13 100.207 **(3g)** BILLING FOR OTHER SERVICES. (a) A telecommunications provider
14 may not bill a customer for any goods or services, other than telecommunications
15 services, unless the customer consented to the billing.

16 (b) If a customer consents to being billed under par. (a), all of the following shall
17 apply:

18 1. The telecommunications provider shall distinguish the billing for the other
19 goods or services from the billing for the telecommunications service in a conspicuous
20 manner.

21 2. The telecommunications provider shall provide a detailed itemized listing
22 of the charges for the goods or services if requested to do so by the customer.

23 3. The telecommunication provider shall disclose to the customer at the time
24 of each billing that the customer's telecommunications service will not be affected
25 due to a failure to pay the billing.

1 **SECTION 263j.** 100.207 (5g) of the statutes is created to read:

2 100.207 **(5g)** RESTRICTIONS ON CONTRACTS. No telecommunications provider
3 may place in a contract entered into with a customer located in this state a clause that
4 provides that a law of a state other than this state applies to the parties or terms of
5 the contract or the rights and remedies under the contract, unless the law of the other
6 state is in conformity with the law of this state.

7 **SECTION 263L.** 100.207 (5m) of the statutes is created to read:

8 100.207 **(5m)** RECORD REQUIREMENTS. Any person who provides
9 telecommunications service to any customer in this state shall maintain each billing
10 and collection record that is made in providing the telecommunications service for
11 a period of 5 years beginning on the date that the record is made.

12 **SECTION 263n.** 100.207 (6) (b) 1. of the statutes is amended to read:

13 100.207 **(6)** (b) 1. The department of justice, after consulting with the
14 department of agriculture, trade and consumer protection, or any district attorney
15 upon informing the department of agriculture, trade and consumer protection, may
16 commence an action in circuit court in the name of the state to restrain by temporary
17 or permanent injunction any violation of this section. Injunctive relief may include
18 an order directing telecommunications providers, as defined in s. 196.01 (8p), to
19 discontinue telecommunications service provided to a person violating this section
20 or ch. 196. Temporary injunctive relief may include an order requiring that a person
21 who provides telecommunications services deposit in an escrow account any
22 payments that the provider has received or is expected to receive from customers as
23 a result of practices that may violate this section or ch. 196. Before entry of final
24 judgment, the court may make such orders or judgments as may be necessary to
25 restore to any person any pecuniary loss suffered because of the acts or practices

1 involved in the action if proof of these acts or practices is submitted to the satisfaction
2 of the court.

3 **SECTION 263p.** 100.207 (6) (c) of the statutes is amended to read:

4 100.207 (6) (c) Any person who violates ~~subs. (2) to (4)~~ this section shall be
5 required to forfeit not less than \$25 nor more than \$5,000 \$10,000 for each offense.
6 Each day of violation constitutes a separate offense. Forfeitures under this
7 paragraph shall be enforced by the department of justice, after consulting with the
8 department of agriculture, trade and consumer protection, or, upon informing the
9 department, by the district attorney of the county where the violation occurs.

10 **SECTION 263r.** 100.207 (6) (em) 1. of the statutes is amended to read:

11 100.207 (6) (em) 1. Before preparing any proposed rule under ~~this section~~ par.
12 (e), the department shall form an advisory group to suggest recommendations
13 regarding the content and scope of the proposed rule. The advisory group shall
14 consist of one or more persons who may be affected by the proposed rule, a
15 representative from the department of justice, and a representative from the public
16 service commission.

17 **SECTION 263t.** 100.207 (6) (g) of the statutes is created to read:

18 100.207 (6) (g) Nothing in this subsection precludes the department from
19 seeking a remedy or penalty in accordance with the rules promulgated under sub.
20 (7). Practices in violation of sub. (3) may also constitute a violation of the rules
21 promulgated under sub. (7).

22 **SECTION 263v.** 100.207 (7) of the statutes is created to read:

23 100.207 (7) ADMINISTRATION OF FEDERAL COMMUNICATIONS COMMISSION RULES.
24 The department shall administer and enforce the federal communications
25 commission's unauthorized carrier change rules and remedies under 47 CFR 64.1110

1 to 64.1190 and shall notify the federal communications commission, in accordance
2 with 47 CFR 64.1110 (a), of its intention to administer and enforce those rules and
3 remedies. In addition to the rules promulgated under sub. (6) (e), the department
4 shall promulgate rules that are consistent with the commission's unauthorized
5 carrier change rules and remedies under 47 CFR 64.1110 to 64.1190.”.

6 **344.** Page 155, line 13: after that line insert:

7 “**SECTION 263bb.** 100.171 (7) (b) of the statutes, as affected by 2001 Wisconsin
8 Act (this act), is amended to read:

9 100.171 (7) (b) Whoever intentionally violates this section is guilty of a Class
10 I felony. A person intentionally violates this section if the violation occurs after the
11 department of justice or a district attorney has notified the person by certified mail
12 that the person is in violation of this section.

13 **SECTION 263bd.** 100.171 (8) (intro.) of the statutes is amended to read:

14 100.171 (8) ENFORCEMENT. (intro.) The department of justice shall investigate
15 violations of this section. The department of justice or any district attorney may on
16 behalf of the state:

17 **SECTION 263bg.** 100.173 (4) (intro.) of the statutes is amended to read:

18 100.173 (4) (intro.) The department of justice shall investigate violations of this
19 section. The department of justice, or any district attorney upon informing the
20 department of justice, may, on behalf of the state, do any of the following:

21 **SECTION 263bj.** 100.173 (4) (a) of the statutes is amended to read:

22 100.173 (4) (a) Bring an action for temporary or permanent injunctive relief in
23 any court of competent jurisdiction for any violation of this section. The relief sought
24 by the department of justice or district attorney may include the payment by a

1 promoter into an escrow account of an amount estimated to be sufficient to pay for
2 ticket refunds. The court may, upon entry of final judgment, award restitution when
3 appropriate to any person suffering loss because of violations of this section if proof
4 of such loss is submitted to the satisfaction of the court.

5 **SECTION 263bn.** 100.174 (5) (intro.) of the statutes is amended to read:

6 100.174 (5) (intro). The department of justice or any district attorney may on
7 behalf of the state:

8 **SECTION 263bq.** 100.174 (6) of the statutes is amended to read:

9 100.174 (6) The department of justice shall investigate violations of and
10 enforce this section.

11 **SECTION 263bt.** 100.175 (5) (a) (intro.) of the statutes is amended to read:

12 100.175 (5) (a) (intro.) No person may collect or by contract require a buyer to
13 pay more than \$100 for dating services before the buyer receives or has the
14 opportunity to receive those services unless the person selling dating services
15 establishes proof of financial responsibility by maintaining any of the following
16 commitments approved by the department of justice in an amount not less than
17 \$25,000:

18 **SECTION 263bw.** 100.175 (5) (b) of the statutes is amended to read:

19 100.175 (5) (b) The commitment described in par. (a) shall be established in
20 favor of or made payable to the state, for the benefit of any buyer who does not receive
21 a refund under the contractual provision described in sub. (3). The person selling
22 dating services shall file with the department of justice any agreement, instrument
23 or other document necessary to enforce the commitment against the person selling
24 dating services or any relevant 3rd party, or both.

25 **SECTION 263bz.** 100.175 (7) (a) (intro.) of the statutes is amended to read:

1 100.175 (7) (a) (intro.) The department of justice or any district attorney may
2 on behalf of the state:

3 **SECTION 263gb.** 100.175 (7) (b) of the statutes is amended to read:

4 100.175 (7) (b) The department of justice may bring an action in circuit court
5 to recover on a financial commitment maintained under sub. (5) against a person
6 selling dating services or relevant 3rd party, or both, on behalf of any buyer who does
7 not receive a refund due under the contractual provision described in sub. (3).

8 **SECTION 263gd.** 100.177 (1) (bm) of the statutes is created to read:

9 100.177 (1) (bm) Notwithstanding s. 93.01 (3), “department” means the
10 department of justice.

11 **SECTION 263gg.** 100.178 (1) (b) of the statutes is amended to read:

12 100.178 (1) (b) Notwithstanding s. 93.01 (3), “department” means the
13 department of ~~health and family services~~ justice.

14 **SECTION 263gj.** 100.18 (11) (a) of the statutes is amended to read:

15 100.18 (11) (a) The department of ~~agriculture, trade and consumer protection~~
16 justice shall enforce this section. Actions to enjoin violation of this section or any
17 regulations thereunder may be commenced and prosecuted by the department of
18 justice in the name of the state in any court having equity jurisdiction. This remedy
19 is not exclusive.

20 **SECTION 263gm.** 100.18 (11) (b) 3. of the statutes is amended to read:

21 100.18 (11) (b) 3. No action may be commenced under this section more than
22 3 years after the occurrence of the unlawful act or practice which is the subject of the
23 action. No injunction may be issued under this section which would conflict with
24 general or special orders of the department of justice or any statute, rule or
25 regulation of the United States or of this state.

1 **SECTION 263gp.** 100.18 (11) (c) 1. of the statutes is amended to read:

2 100.18 (11) (c) 1. Whenever the department of justice has reason to believe that
3 a person is in possession, custody or control of any information or documentary
4 material relevant to the enforcement of this section it may require that person to
5 submit a statement or report, under oath or otherwise, as to the facts and
6 circumstances concerning any activity in the course of trade or commerce; examine
7 under oath that person with respect to any activity in the course of trade or
8 commerce; and execute in writing and cause to be served upon such person a civil
9 investigative demand requiring the person to produce any relevant documentary
10 material for inspection and copying.

11 **SECTION 263gs.** 100.18 (11) (c) 2. of the statutes is amended to read:

12 100.18 (11) (c) 2. The department of justice, in exercising powers under this
13 subsection, may issue subpoenas, administer oaths and conduct hearings to aid in
14 any investigation.

15 **SECTION 263gu.** 100.18 (11) (c) 3. of the statutes is amended to read:

16 100.18 (11) (c) 3. Service of any notice by the department of justice requiring
17 a person to file a statement or report, or service of a subpoena upon a person, or
18 service of a civil investigative demand shall be made in compliance with the rules of
19 civil procedure of this state.

20 **SECTION 263gx.** 100.18 (11) (c) 4. of the statutes is amended to read:

21 100.18 (11) (c) 4. If a person fails to file any statement or report, or fails to
22 comply with any civil investigative demand, or fails to obey any subpoena issued by
23 the department of justice, such person may be coerced as provided in s. 885.12, except
24 that no person shall be required to furnish any testimony or evidence under this
25 subsection which might tend to incriminate the person.

1 **SECTION 263mb.** 100.18 (11) (d) of the statutes is amended to read:

2 100.18 (11) (d) ~~The department or the department of justice, after consulting~~
3 ~~with the department,~~ or any district attorney, upon informing the department of
4 justice, may commence an action in circuit court in the name of the state to restrain
5 by temporary or permanent injunction any violation of this section. The court may
6 in its discretion, prior to entry of final judgment, make such orders or judgments as
7 may be necessary to restore to any person any pecuniary loss suffered because of the
8 acts or practices involved in the action, provided proof thereof is submitted to the
9 satisfaction of the court. ~~The department and the department of justice may~~
10 ~~subpoena persons and require the production of books and other documents, and the~~
11 ~~department of justice may request the department to exercise its authority under~~
12 ~~par. (c) to aid in the investigation of alleged violations of this section.~~

13 **SECTION 263mf.** 100.18 (11) (e) of the statutes is amended to read:

14 100.18 (11) (e) In lieu of instituting or continuing an action pursuant to this
15 section, ~~the department or the department of justice may accept a written assurance~~
16 ~~of discontinuance of any act or practice alleged to be a violation of this section from~~
17 ~~the person who has engaged in such act or practice. The acceptance of such assurance~~
18 ~~by either the department or the department of justice shall be deemed acceptance by~~
19 ~~the other state officials enumerated in par. (d) any district attorney if the terms of~~
20 ~~the assurance so provide. An assurance entered into pursuant to this section shall~~
21 ~~not be considered evidence of a violation of this section, provided that violation of~~
22 ~~such an assurance shall be treated as a violation of this section, and shall be~~
23 ~~subjected to all the penalties and remedies provided therefor.~~

24 **SECTION 263mj.** 100.182 (5) (a) of the statutes is amended to read:

1 100.182 (5) (a) Any district attorney, after informing the department of justice,
2 or the department of justice may seek a temporary or permanent injunction in circuit
3 court to restrain any violation of this section. Prior to entering a final judgment the
4 court may award damages to any person suffering monetary loss because of a
5 violation. The department of justice may subpoena any person or require the
6 production of any document to aid in investigating alleged violations of this section.

7 **SECTION 263mm.** 100.182 (5) (b) of the statutes is amended to read:

8 100.182 (5) (b) In lieu of instituting or continuing an action under this
9 subsection, the department of justice may accept a written assurance from a violator
10 of this section that the violation has ceased. If the terms of the assurance so provide,
11 its acceptance by the department of justice prevents all district attorneys from
12 prosecuting the violation. An assurance is not evidence of a violation of this section
13 but violation of an assurance is subject to the penalties and remedies of violating this
14 section.

15 **SECTION 263mp.** 100.20 (2) (a) of the statutes is amended to read:

16 100.20 (2) (a) The department of justice, after public hearing, may issue
17 general orders forbidding methods of competition in business or trade practices in
18 business which are determined by the department of justice to be unfair. The
19 department of justice, after public hearing, may issue general orders prescribing
20 methods of competition in business or trade practices in business which are
21 determined by the department of justice to be fair.

22 **SECTION 263mr.** 100.20 (2) (b) of the statutes is amended to read:

23 100.20 (2) (b) Notwithstanding par. (a), the department of justice may not issue
24 any order or promulgate any rule that regulates the provision of water or sewer
25 service by a manufactured home park operator, as defined in s. 101.91 (8), or

1 manufactured home park contractor, as defined in s. 101.91 (6m), or enforce any rule
2 to the extent that the rule regulates the provision of such water or sewer service.

3 **SECTION 263mt.** 100.20 (3) of the statutes is amended to read:

4 100.20 (3) The department of justice, after public hearing, may issue a special
5 order against any person, enjoining such person from employing any method of
6 competition in business or trade practice in business which is determined by the
7 department of justice to be unfair or from providing service in violation of sub. (1t).
8 The department of justice, after public hearing, may issue a special order against any
9 person, requiring such person to employ the method of competition in business or
10 trade practice in business which is determined by the department of justice to be fair.

11 **SECTION 263mv.** 100.20 (4) of the statutes is amended to read:

12 100.20 (4) The If the department of justice may file a written complaint with
13 ~~the department alleging that the~~ has reason to believe that a person named is
14 employing unfair methods of competition in business or unfair trade practices in
15 business or both. ~~Whenever such a complaint is filed,~~ it shall be the duty of the
16 department of justice to proceed, after proper notice and in accordance with its rules,
17 to the hearing and adjudication of the ~~matters alleged,~~ and a representative of the
18 department of justice ~~designated by the attorney general may appear before the~~
19 department in such proceedings. ~~The department of justice shall be entitled to~~
20 ~~judicial review of the decisions and orders of the department under ch. 227~~ matter.

21 **SECTION 263mx.** 100.20 (6) of the statutes is amended to read:

22 100.20 (6) The department of justice may commence an action in circuit court
23 in the name of the state to restrain by temporary or permanent injunction the
24 violation of any order issued under this section. The court may in its discretion, prior
25 to entry of final judgment make such orders or judgments as may be necessary to

1 restore to any person any pecuniary loss suffered because of the acts or practices
2 involved in the action, provided proof thereof is submitted to the satisfaction of the
3 court. The department of justice may use its authority in ss. 93.14 and 93.15 to
4 investigate violations of any order issued under this section.

5 **SECTION 263mz.** 100.201 (6) (d) of the statutes is amended to read:

6 100.201 (6) (d) The failure to pay fees under this subsection within the time
7 provided under par. (c) is a violation of this section. The department of justice may
8 also commence an action to recover the amount of any overdue fees plus interest at
9 the rate of 2% per month for each month that the fees are delinquent.

10 **SECTION 263nb.** 100.201 (8m) (intro.) of the statutes is amended to read:

11 100.201 (8m) JURISDICTION. (intro.) This section shall apply to transactions,
12 acts or omissions which take place in whole or in part outside this state. In any action
13 or administrative proceeding the department of justice has jurisdiction of the person
14 served under s. 801.11 when any act or omission outside this state by the defendant
15 or respondent results in local injury or may have the effect of injuring competition
16 or a competitor in this state or unfairly diverts trade or business from a competitor,
17 if at the time:

18 **SECTION 263nd.** 100.201 (9) (b) of the statutes is amended to read:

19 100.201 (9) (b) The department, after public hearing held under s. 93.18, may
20 issue a special order against any person requiring such person to cease and desist
21 from acts, practices or omissions determined by the department to violate this
22 section. Such orders shall be subject to judicial review under ch. 227. Any violation
23 of a special order issued hereunder shall be punishable as a contempt under ch. 785
24 in the manner provided for disobedience of a lawful order of a court, upon the filing

1 of an affidavit by the department of justice of the commission of such violation in any
2 court of record in the county where the violation occurred.

3 **SECTION 263nf.** 100.201 (9) (c) of the statutes is amended to read:

4 100.201 (9) (c) The department of justice, in addition to or in lieu of any other
5 remedies herein provided, may apply to a circuit court for a temporary or permanent
6 injunction to prevent, restrain or enjoin any person from violating this section or any
7 special order of the department of agriculture, trade and consumer protection issued
8 hereunder under this section, without being compelled to allege or prove that an
9 adequate remedy at law does not exist.

10 **SECTION 263nj.** 100.205 (7) of the statutes is amended to read:

11 100.205 (7) The department of justice, or any district attorney on informing the
12 department of justice, may commence an action in circuit court in the name of the
13 state to restrain by temporary or permanent injunction any violation of this section.
14 The court may, before entry of final judgment and after satisfactory proof, make
15 orders or judgments necessary to restore to any person any pecuniary loss suffered
16 because of a violation of this section. The department of justice may conduct
17 hearings, administer oaths, issue subpoenas and take testimony to aid in its
18 investigation of violations of this section.

19 **SECTION 263nm.** 100.205 (8) of the statutes is amended to read:

20 100.205 (8) The department of justice or any district attorney may commence
21 an action in the name of the state to recover a forfeiture to the state of not more than
22 \$10,000 for each violation of this section.

23 **SECTION 263nn.** 100.207 (1) of the statutes is renumbered 100.207 (1) (intro.)
24 and amended to read:

1 100.207 (1) ~~DEFINITION~~ DEFINITIONS. (intro.) In this section,
2 “telecommunications;

3 (b) “Telecommunications service” has the meaning given in s. 196.01 (9m).

4 **SECTION 263no.** 100.207 (1) (a) of the statutes is created to read:

5 100.207 (1) (a) Notwithstanding s. 93.01 (3), “department” means the
6 department of justice.

7 **SECTION 263nq.** 100.207 (6) (b) 1. of the statutes is amended to read:

8 100.207 (6) (b) 1. The department of justice, ~~after consulting with the~~
9 ~~department of agriculture, trade and consumer protection,~~ or any district attorney
10 upon informing the department of agriculture, trade and consumer protection, may
11 commence an action in circuit court in the name of the state to restrain by temporary
12 or permanent injunction any violation of this section. Injunctive relief may include
13 an order directing telecommunications providers, as defined in s. 196.01 (8p), to
14 discontinue telecommunications service provided to a person violating this section
15 or ch. 196. Before entry of final judgment, the court may make such orders or
16 judgments as may be necessary to restore to any person any pecuniary loss suffered
17 because of the acts or practices involved in the action if proof of these acts or practices
18 is submitted to the satisfaction of the court.

19 **SECTION 263nt.** 100.207 (6) (b) 2. of the statutes is amended to read:

20 100.207 (6) (b) 2. The department ~~may exercise its authority under ss. 93.14~~
21 ~~to 93.16 and 100.18 (11) (c) to~~ shall administer this section. The department and the
22 ~~department of justice~~ may subpoena persons and, require the production of books
23 and other documents, and the ~~department of justice may request the department of~~
24 ~~agriculture, trade and consumer protection to exercise its authority to aid in the~~
25 ~~investigation of~~ investigate alleged violations of this section.

1 **SECTION 263nv.** 100.207 (6) (c) of the statutes is amended to read:

2 100.207 **(6)** (c) Any person who violates subs. (2) to (4) shall be required to
3 forfeit not less than \$25 nor more than \$5,000 for each offense. Forfeitures under this
4 paragraph shall be enforced by the department of justice, ~~after consulting with the~~
5 ~~department of agriculture, trade and consumer protection,~~ or, upon informing the
6 department, by the district attorney of the county where the violation occurs.

7 **SECTION 263nz.** 100.207 (6) (em) 1. of the statutes is amended to read:

8 100.207 **(6)** (em) 1. Before preparing any proposed rule under this section, the
9 department shall form an advisory group to suggest recommendations regarding the
10 content and scope of the proposed rule. The advisory group shall consist of one or
11 more persons who may be affected by the proposed rule, ~~a representative from the~~
12 ~~department of justice~~ and a representative from the public service commission.

13 **SECTION 263pb.** 100.207 (6) (em) 2. of the statutes is amended to read:

14 100.207 **(6)** (em) 2. The department shall submit the recommendations under
15 subd. 1., if any, to the legislature as part of the report required under s. 227.19 (2)
16 ~~and to the board of agriculture, trade and consumer protection.~~

17 **SECTION 263pf.** 100.208 (2) (intro.) of the statutes is amended to read:

18 100.208 **(2)** (intro.) The department of justice shall notify the public service
19 commission if any of the following conditions exists:

20 **SECTION 263pj.** 100.208 (2) (b) of the statutes is amended to read:

21 100.208 **(2)** (b) The department of justice has issued an order under s. 100.20
22 (3) prohibiting a telecommunications provider from engaging in an unfair trade
23 practice or method of competition.

24 **SECTION 263pm.** 100.209 (3) of the statutes is amended to read:

1 100.209 (3) RULES AND LOCAL ORDINANCES ALLOWED. This section does not
2 prohibit the department of justice from promulgating a rule or from issuing an order
3 consistent with its authority under this chapter that gives a subscriber greater rights
4 than the rights under sub. (2) or prohibit a city, village or town from enacting an
5 ordinance that gives a subscriber greater rights than the rights under sub. (2).

6 **SECTION 263pp.** 100.209 (4) (b) of the statutes is amended to read:

7 100.209 (4) (b) The department of justice and the district attorneys of this state
8 have concurrent authority to institute civil proceedings under this section.

9 **SECTION 263ps.** 100.2095 (6) (b) of the statutes is amended to read:

10 100.2095 (6) (b) The department of justice may commence an action in the
11 name of the state to restrain by temporary or permanent injunction a violation of sub.
12 (3), (4) or (5). Before entry of final judgment, the court may make any necessary
13 orders to restore to any person any pecuniary loss suffered by the person because of
14 the violation.

15 **SECTION 263pv.** 100.2095 (6) (c) of the statutes is amended to read:

16 100.2095 (6) (c) The department of justice or any district attorney may
17 commence an action in the name of the state to recover a forfeiture to the state of not
18 less than \$100 nor more than \$10,000 for each violation of sub. (3), (4) or (5).”.

19 **345.** Page 155, line 17: after that line insert:

20 **“SECTION 264d.** 100.21 (2) (a) of the statutes is amended to read:

21 100.21 (2) (a) No person may make an energy savings or safety claim without
22 a reasonable and currently accepted scientific basis for the claim when the claim is
23 made. Making an energy savings or safety claim without a reasonable and currently

1 accepted scientific basis is also an unfair method of competition and trade practice
2 prohibited under s. 100.20.

3 **SECTION 264h.** 100.21 (4) (a) (intro.) of the statutes is amended to read:

4 100.21 (4) (a) (intro.) The department may, after public hearing, issue general
5 or special orders ~~under s. 100.20~~:

6 **SECTION 264p.** 100.22 (4) (b) of the statutes is amended to read:

7 100.22 (4) (b) The department of justice may, without alleging or proving that
8 no other adequate remedy at law exists, bring an action to enjoin violations of this
9 section or a special order issued under this section in the circuit court for the county
10 where the alleged violation occurred.

11 **SECTION 264t.** 100.235 (11) (a) of the statutes is amended to read:

12 100.235 (11) (a) *Forfeiture.* Any person who violates this section or any rule
13 promulgated or order issued under this section may be required to forfeit not less
14 than \$100 nor more than \$10,000. ~~Notwithstanding s. 165.25 (1), the department~~
15 ~~may commence an action to recover a forfeiture under this paragraph.~~”.

16 **346.** Page 156, line 3: after that line insert:

17 “**SECTION 266m.** 100.26 (6) of the statutes is amended to read:

18 100.26 (6) ~~The department, the department of justice, after consulting with the~~
19 ~~department, or any district attorney may commence an action in the name of the~~
20 ~~state to recover a civil forfeiture to the state of not less than \$100 nor more than~~
21 ~~\$10,000 for each violation of~~ Any person violating an injunction issued under s.
22 100.18, 100.182 or 100.20 (6). ~~The department of agriculture, trade and consumer~~
23 ~~protection or any district attorney may commence an action in the name of the state~~
24 ~~to recover a civil~~ is subject to a forfeiture of not less than \$100 nor more than \$10,000

1 for each violation. Any person violating an order issued under s. 100.20 is subject
2 to a forfeiture to the state of not less than \$100 nor more than \$10,000 for each
3 violation of an order issued under s. 100.20.”.

4 **347.** Page 156, line 9: after that line insert:

5 “**SECTION 267d.** 100.275 of the statutes is created to read:

6 **100.275 Mercury thermometers. (1)** Except as provided in sub. (2), no
7 manufacturer, wholesaler, or retailer may sell or give away a thermometer that
8 contains mercury.

9 **(2)** Subsection (1) does not apply to any of the following:

10 (a) A mercury thermometer used for food research and development or food
11 processing, including meat, dairy product, and pet food processing.

12 (b) A mercury thermometer used for the calibration of other thermometers,
13 apparatus, or equipment, unless a calibration standard that does not use mercury
14 is approved for that calibration by the National Institute of Standards and
15 Technology.

16 (c) A mercury thermometer that is a component of an agriculture climate
17 control system or industrial measurement system if the system is in use on the
18 effective date of this paragraph [revisor inserts date].

19 (d) A mercury thermometer that is a component of an agriculture climate
20 control system or industrial measurement system if a nonmercury alternative is not
21 available as a component of the system.

22 (e) An electronic thermometer that includes a battery that contains mercury,
23 if a person is not prohibited from selling that battery or offering that battery for sale
24 under s. 100.27.

1 (f) An antique or collectible mercury thermometer, manufactured before 1998,
2 on which advertising is displayed.

3 (3) Any person who violates this section may be required to forfeit not more
4 than \$200 for each violation. Each sale or gift of a thermometer in violation of this
5 section constitutes a separate violation.”.

6 **348.** Page 156, line 9: after that line insert:

7 “SECTION 267e. 100.264 (2) (intro.) of the statutes is amended to read:

8 100.264 (2) SUPPLEMENTAL FORFEITURE. (intro.) If a fine or a forfeiture is
9 imposed on a person for a violation under s. 100.16, 100.17, 100.18, 100.182, 100.183,
10 100.20, 100.205, 100.207, 100.21, 100.30 (3), 100.35, 100.44 or 100.46, or 100.52 (10)
11 (b) or a rule promulgated under one of those sections, the person shall be subject to
12 a supplemental forfeiture not to exceed \$10,000 for that violation if the conduct by
13 the defendant, for which the violation was imposed, was perpetrated against an
14 elderly person or disabled person and if the court finds that any of the following
15 factors is present:

16 SECTION 267m. 100.52 (10) (a) of the statutes, as created by 2001 Wisconsin
17 Act 16, is amended to read:

18 100.52 (10) (a) Except as provided in par. (b), a person who violates this section
19 may be required to forfeit not less than \$100 nor more than \$500 for each violation.

20 SECTION 267s. 100.52 (10) (b) of the statutes, as created by 2001 Wisconsin Act
21 16, is amended to read:

22 100.52 (10) (b) A telephone solicitor that violates sub. (4) may be required to
23 forfeit not less than \$100 nor more than \$100 \$1,000 for each violation.”.

24 **349.** Page 156, line 9: after that line insert:

1 “**SECTION 267kb.** 100.261 (3) (b) of the statutes, as affected by 2001 Wisconsin
2 Act 16, is amended to read:

3 100.261 (3) (b) The state treasurer shall deposit the consumer protection
4 assessment amounts imposed for a violation of ch. 98, a rule promulgated under ch.
5 98, or an ordinance enacted under ch. 98 in the general fund and shall credit them
6 to the appropriation account under s. 20.115 (1) (jb), subject to the limit under par.
7 (c).

8 **SECTION 267kd.** 100.261 (3) (d) of the statutes is created to read:

9 100.261 (3) (d) The state treasurer shall deposit the consumer protection
10 assessment amounts imposed for a violation of this chapter, a rule promulgated
11 under this chapter, or an ordinance enacted under this chapter in the general fund
12 and shall credit them to the appropriation account under s. 20.455 (1) (g), subject to
13 the limit under par. (e).

14 **SECTION 267ke.** 100.261 (3) (e) of the statutes is created to read:

15 100.261 (3) (e) The amount credited to the appropriation account under s.
16 20.455 (1) (g) may not exceed \$185,000 in each fiscal year.

17 **SECTION 267kf.** 100.263 of the statutes is amended to read:

18 **100.263 Recovery.** In addition to other remedies available under this chapter,
19 the court may award ~~the department~~ the reasonable and necessary costs of
20 investigation and an amount reasonably necessary to remedy the harmful effects of
21 the violation and the court may award ~~the department of justice~~ the reasonable and
22 necessary expenses of prosecution, including attorney fees, from any person who
23 violates this chapter. ~~The department and the department of justice~~ amounts
24 awarded under this subsection shall deposit be deposited in the state treasury for
25 deposit in the general fund ~~all moneys that the court awards to the department, the~~

1 ~~department of justice or the state under this section.~~ Ten percent of the money
2 deposited in the general fund that was awarded under this section for the costs of
3 investigation and the expenses of prosecution, including attorney fees, shall be
4 credited to the appropriation account under s. 20.455 (1) (gh).

5 **SECTION 267kh.** 100.28 (4) (b) of the statutes is amended to read:

6 100.28 (4) (b) In lieu of or in addition to forfeitures under par. (a), the
7 department of justice may seek an injunction restraining any person from violating
8 this section.

9 **SECTION 267kj.** 100.28 (4) (c) of the statutes is amended to read:

10 100.28 (4) (c) The department of justice, or any district attorney upon the
11 request of the department of justice, may commence an action in the name of the
12 state under par. (a) or (b).

13 **SECTION 267kL.** 100.31 (4) of the statutes is amended to read:

14 100.31 (4) PENALTIES. For any violation of this section, the department of
15 justice or a district attorney may commence an action on behalf of the state to recover
16 a forfeiture of not less than \$100 nor more than \$10,000 for each offense. Each
17 delivery of a drug sold to a purchaser at a price in violation of this section and each
18 separate day in violation of an injunction issued under this section is a separate
19 offense.

20 **SECTION 267kn.** 100.31 (5) of the statutes is amended to read:

21 100.31 (5) SPECIAL REMEDIES. The department of justice or a district attorney
22 may bring an action to enjoin a violation of this section without being compelled to
23 allege or prove that an adequate remedy at law does not exist. An action under this
24 subsection may be commenced and prosecuted by the department of justice or a

1 district attorney, in the name of the state, in a circuit court in the county where the
2 offense occurred or in Dane County, notwithstanding s. 801.50.

3 **SECTION 267ko.** 100.37 (1) (am) of the statutes is created to read:

4 100.37 (1) (am) Notwithstanding s. 93.01 (3), “department” means the
5 department of justice.

6 **SECTION 267kp.** 100.38 (5) of the statutes is amended to read:

7 100.38 (5) INSPECTION. The department of justice shall enforce this section by
8 inspection, chemical analyses or any other appropriate method and the department
9 of justice may promulgate such rules as are necessary to effectively enforce this
10 section.

11 **SECTION 267kq.** 100.38 (6) of the statutes is amended to read:

12 100.38 (6) ENFORCEMENT. It is unlawful to sell any antifreeze which is
13 adulterated or misbranded. In addition to the penalties provided under sub. (7), the
14 department of justice may bring an action to enjoin violations of this section.

15 **SECTION 267kr.** 100.41 (1) (bn) of the statutes is created to read:

16 100.41 (1) (bn) Notwithstanding s. 93.01 (3), “department” means the
17 department of justice.

18 **SECTION 267ks.** 100.42 (1) (cm) of the statutes is created to read:

19 100.42 (1) (cm) Notwithstanding s. 93.01 (3), “department” means the
20 department of justice.

21 **SECTION 267kt.** 100.43 (1) (am) of the statutes is created to read:

22 100.43 (1) (am) Notwithstanding s. 93.01 (3), “department” means the
23 department of justice.

24 **SECTION 267ku.** 100.44 (5) of the statutes is amended to read:

1 100.44 (5) ENFORCEMENT. For any violation of sub. (3), the department of justice
2 may, on behalf of the state, bring an action in any court of competent jurisdiction for
3 the recovery of forfeitures authorized under sub. (4), for temporary or permanent
4 injunctive relief and for any other appropriate relief. The court may make any order
5 or judgment that is necessary to restore to any person any pecuniary loss suffered
6 because of a violation of sub. (3) if proof of the loss is shown to the satisfaction of the
7 court.

8 **SECTION 267kv.** 100.46 (1) of the statutes is amended to read:

9 100.46 (1) ENERGY CONSERVATION STANDARDS. The department of justice may by
10 rule adopt energy conservation standards for products that have been established in
11 or promulgated under 42 USC 6291 to 6309.

12 **SECTION 267kw.** 100.46 (2) of the statutes is amended to read:

13 100.46 (2) PROHIBITED ACTS; ENFORCEMENT. No person may sell at retail, install
14 or cause to be installed any product that is not in compliance with rules promulgated
15 under sub. (1). In addition to other penalties and enforcement procedures, the
16 department of justice may apply to a court for a temporary or permanent injunction
17 restraining any person from violating a rule adopted under sub. (1).

18 **SECTION 267kx.** 100.50 (6) (b) of the statutes is amended to read:

19 100.50 (6) (b) In lieu of or in addition to the remedy under par. (a), the
20 department of justice may seek an injunction restraining any person from violating
21 this section.

22 **SECTION 267ky.** 100.50 (6) (c) of the statutes is amended to read:

23 100.50 (6) (c) The department of justice, or any district attorney upon the
24 request of the department of justice, may commence an action in the name of the
25 state under par. (a) or (b).

1 **SECTION 267kz.** 100.52 (1) (bn) of the statutes is created to read:
2 100.52 **(1)** (bn) Notwithstanding s. 93.01 (3), “department” means the
3 department of justice.”.

4 **350.** Page 156, line 9: after that line insert:

5 “**SECTION 267n.** 101.03 of the statutes is amended to read:

6 **101.03 Testimonial powers of secretary and deputy.** The secretary ~~or any~~
7 ~~deputy secretary~~ may certify to official acts, and take testimony.”.

8 **351.** Page 156, line 20: after that line insert:

9 “**SECTION 269m.** 101.175 (3) (intro.) of the statutes is amended to read:

10 101.175 **(3)** (intro.) The department, in consultation with the department of
11 agriculture, ~~trade and consumer protection~~ justice, shall establish by rule quality
12 standards for local energy resource systems which do not impede development of
13 innovative systems but which do.”.

14 **352.** Page 157, line 22: after that line insert:

15 “**SECTION 274h.** 103.67 (1) of the statutes is amended to read:

16 103.67 **(1)** A minor 14 to 18 years of age ~~shall~~ may not be employed or permitted
17 to work in any gainful occupation during the hours that the minor is required to
18 attend school under s. 118.15 unless the minor has completed high school, except that
19 any minor may be employed in a public exhibitions exhibition as provided in s. 103.78
20 and a minor 16 years of age or over may be employed as an election inspector as
21 provided in s. 7.30 (2) (am).

22 **SECTION 274j.** 103.68 (1) of the statutes is amended to read:

23 103.68 **(1)** No minor shall be employed or permitted to work at any gainful
24 occupation other than domestic service ~~or~~ farm labor, or service as an election

1 inspector under s. 7.30 (2) (am) for more than 8 hours in any one day nor more than
2 40 hours nor more than 6 days in any one week, nor during such hours as the minor
3 is required under s. 118.15 (2) to attend school.

4 **SECTION 274L.** 103.70 (2) of the statutes is amended to read:

5 103.70 (2) Minors may be employed without permits in any employment
6 limited to work in or around a home in work usual to the home of the employer, if the
7 employment is not in connection with or a part of the business, trade, or profession
8 of the employer, is in accordance with the minimum age stated in s. 103.67 (2) ~~(d)~~ (f),
9 and is not specifically prohibited by ss. 103.64 to 103.82 or by any order of the
10 department. Minors may also be employed without permits as election inspectors
11 as provided in s. 7.30 (2) (am).”.

12 **353.** Page 157, line 22: after that line insert:

13 “**SECTION 274m.** 106.50 (5m) (d) of the statutes is amended to read:

14 106.50 (5m) (d) Nothing in this section requires that housing be made available
15 to an individual whose tenancy would constitute a direct threat to the safety of other
16 tenants or persons employed on the property or whose tenancy would result in
17 substantial physical damage to the property of others, if the risk of direct threat or
18 damage cannot be eliminated or sufficiently reduced through reasonable
19 accommodations. A claim that an individual’s tenancy poses a direct threat or a
20 substantial risk of harm or damage must be evidenced by behavior by the individual
21 ~~which that caused harm or damage, which that directly threatened harm or damage,~~
22 ~~or which that caused a reasonable fear of harm or damage to other tenants, persons~~
23 ~~employed on the property, or the property. No claim that an individual’s tenancy~~
24 ~~would constitute a direct threat to the safety of other persons or would result in~~

1 substantial damage to property may be based on the fact that a tenant has been or
2 may be the victim of domestic abuse, as defined in s. 813.12 (1) ~~(a)~~ (am).”.

3 **354.** Page 157, line 22: after that line insert:

4 “**SECTION 274c.** 103.49 (5) (a) of the statutes is amended to read:

5 103.49 **(5)** (a) Each contractor, subcontractor, or contractor’s or subcontractor’s
6 agent performing work on a project that is subject to this section shall keep full and
7 accurate records clearly indicating the name and trade or occupation of every person
8 performing the work described in sub. (2m) and an accurate record of the number of
9 hours worked by each of those persons and the actual wages paid for the hours
10 worked. If requested by any person, a contractor, subcontractor, or contractor’s or
11 subcontractor’s agent performing work on a project that is subject to this section
12 shall permit that person to inspect and copy any of those records to the same extent
13 as if the record were maintained by the department, except that s. 19.36 (3) does not
14 limit the duty of a subcontractor or a contractor’s or subcontractor’s agent to permit
15 inspection and copying of a record under this paragraph. Before permitting the
16 inspection and copying of a record under this paragraph, a contractor, subcontractor,
17 or contractor’s or subcontractor’s agent shall delete from the record any personally
18 identifiable information, as defined in s. 19.62 (5), contained in the record about any
19 person performing the work described in sub. (2m) other than the trade or occupation
20 of the person, the number of hours worked by the person, and the actual wages paid
21 for those hours worked.

22 **SECTION 274cd.** 103.49 (6m) (a) of the statutes is renumbered 103.49 (6m) (ar).

23 **SECTION 274cf.** 103.49 (6m) (ag) of the statutes is created to read:

1 103.49 **(6m)** (ag) Any contractor, subcontractor, or contractor's or
2 subcontractor's agent who fails to pay the prevailing wage rate determined by the
3 department under sub. (3) or who pays less than 1.5 times the hourly basic rate of
4 pay for all hours worked in excess of the prevailing hours of labor is liable to any
5 affected employee in the amount of the employee's unpaid wages or unpaid overtime
6 compensation. An employee may recover that liability by filing a wage claim with
7 the department under s. 109.09 (1) or by commencing an action under s. 109.03 (5)
8 in any court of competent jurisdiction, for and in behalf of that employee and other
9 employees similarly situated. No employee may be a party plaintiff to an action
10 commenced under s. 109.03 (5) unless the employee consents in writing to become
11 a party and the consent is filed in the court in which the action is brought.
12 Notwithstanding s. 814.04 (1), the court shall, in addition to any judgment awarded
13 to the plaintiff, allow reasonable attorney fees and costs to be paid by the defendant.

14 **SECTION 274ch.** 103.49 (6m) (f) of the statutes is amended to read:

15 103.49 **(6m)** (f) Paragraph ~~(a)~~ (ar) does not apply to any person who fails to
16 provide any information to the department to assist the department in determining
17 prevailing wage rates under sub. (3) (a) or (am).

18 **SECTION 274cj.** 103.50 (6m) of the statutes is created to read:

19 103.50 **(6m)** RECORDS; INSPECTION. Each contractor, subcontractor, or
20 contractor's or subcontractor's agent performing work on a project that is subject to
21 this section shall keep full and accurate records clearly indicating the name and
22 trade or occupation of every person performing the work described in sub. (2m) and
23 an accurate record of the number of hours worked by each of those persons and the
24 actual wages paid for the hours worked. If requested by any person, a contractor,
25 subcontractor, or contractor's or subcontractor's agent performing work on a project

1 that is subject to this section shall permit that person to inspect and copy any of those
2 records to the same extent as if the record were maintained by the department,
3 except that s. 19.36 (3) does not limit the duty of a subcontractor or a contractor's or
4 subcontractor's agent to permit inspection and copying of a record under this
5 subsection. Before permitting the inspection and copying of a record under this
6 subsection, a contractor, subcontractor, or contractor's or subcontractor's agent shall
7 delete from the record any personally identifiable information, as defined in s. 19.62
8 (5), contained in the record about any person performing the work described in sub.
9 (2m) other than the trade or occupation of the person, the number of hours worked
10 by the person, and the actual wages paid for those hours worked.

11 **SECTION 274cm.** 103.50 (7) (a) of the statutes is renumbered 103.50 (7) (ar).

12 **SECTION 274cn.** 103.50 (7) (ag) of the statutes is created to read:

13 103.50 (7) (ag) Any contractor, subcontractor, or contractor's or subcontractor's
14 agent who fails to pay the prevailing wage rate determined under sub. (3) or (4) or
15 who pays less than 1.5 times the hourly basic rate of pay for all hours worked in
16 excess of the prevailing hours of labor is liable to any affected employee in the amount
17 of the employee's unpaid wages or unpaid overtime compensation. An employee may
18 recover that liability by filing a wage claim with the department of transportation
19 under par. (am) or by commencing an action under s. 109.03 (5) in any court of
20 competent jurisdiction, for and in behalf of that employee and other employees
21 similarly situated. No employee may be a party plaintiff to an action commenced
22 under s. 109.03 (5) unless the employee consents in writing to become a party and
23 the consent is filed in the court in which the action is brought. Notwithstanding s.
24 814.04 (1), the court shall, in addition to any judgment awarded to the plaintiff, allow
25 reasonable attorney fees and costs to be paid by the defendant.

1 **SECTION 274cp.** 103.50 (7) (am) of the statutes is created to read:

2 103.50 (7) (am) An employee may also recover the liability specified in par. (ag)
3 by filing a wage claim with the department of transportation for and in behalf of that
4 employee and other employees similarly situated. On receipt of a wage claim filed
5 under this paragraph, the department of transportation shall investigate the wage
6 claim and, on completion of the investigation, may sue the employer on behalf of the
7 employee to collect the wage claim or refer the wage claim to the district attorney of
8 the county in which the work is located for prosecution and collection. If the
9 department of transportation decides not to sue the employer to collect the wage
10 claim or refer the wage claim to the district attorney, the department of
11 transportation shall refer the wage claim to the department of justice for prosecution
12 and collection. On receipt of a wage claim, a district attorney or the department of
13 justice shall investigate as necessary and, if the wage claim appears to be valid,
14 commence an action in the circuit court having appropriate jurisdiction to collect the
15 wage claim. The department of transportation may receive and investigate a wage
16 claim under this paragraph that is filed no later than 2 years after the date on which
17 the unpaid wages or unpaid overtime compensation was due. After receiving a wage
18 claim under this paragraph, the department of transportation may investigate any
19 unpaid wages or unpaid overtime compensation due from the contractor,
20 subcontractor, or agent against whom the wage claim was filed to any employee
21 during the period commencing 2 years before the date on which the wage claim was
22 filed.

23 **SECTION 274cr.** 103.50 (7) (f) of the statutes is amended to read:

1 103.50 (7) (f) Paragraph (a) ~~(ar)~~ does not apply to any person who fails to
2 provide any information to the department to assist the department in determining
3 prevailing wage rates under sub. (3) or (4).

4 **SECTION 274ct.** 103.50 (8) of the statutes is amended to read:

5 103.50 (8) ENFORCEMENT AND PROSECUTION. The department of transportation
6 shall require adherence to subs. (2), (2m), and (6). The department of transportation
7 may demand and examine, and every contractor, subcontractor, and contractor's or
8 subcontractor's agent shall keep and furnish, upon request by the department of
9 transportation, copies of payrolls and other records and information relating to
10 compliance with this section. ~~Upon request of the department of transportation or~~
11 ~~upon complaint of alleged violation, the district attorney of the county in which the~~
12 ~~work is located shall investigate as necessary and prosecute violations in a court of~~
13 ~~competent jurisdiction.~~ Section 111.322 (2m) applies to discharge and other
14 discriminatory acts arising in connection with any proceeding under this section.”.

15 **355.** Page 157, line 22: after that line insert:

16 “**SECTION 274b.** 103.005 (16) of the statutes is amended to read:

17 103.005 (16) Each of the commissioners, or the secretary ~~or any deputy~~
18 secretary may certify to official acts, and take testimony.”.

19 **356.** Page 158, line 11: after that line insert:

20 “**SECTION 276h.** 109.03 (5) of the statutes is amended to read:

21 109.03 (5) ENFORCEMENT. Except as provided in sub. (1), no employer may by
22 special contract with employees or by any other means secure exemption from this
23 section. Each employee shall have a right of action against any employer for the full
24 amount of the employee's wages due on each regular pay day as provided in this

1 section and for increased wages as provided in s. 109.11 (2), in any court of competent
2 jurisdiction. An employee may bring an action against an employer under this
3 subsection without first filing a wage claim with the department of workforce
4 development under s. 109.09 (1) or with the department of transportation under s.
5 103.50 (7) (am). An employee who brings an action against an employer under this
6 subsection shall have a lien upon all property of the employer, real or personal,
7 located in this state as described in s. 109.09 (2).

8 **SECTION 276j.** 109.09 (1) of the statutes is amended to read:

9 109.09 (1) The department shall investigate and attempt equitably to adjust
10 controversies between employers and employees as to alleged wage claims. The
11 department may receive and investigate any wage claim ~~which~~ that is filed with the
12 department, or received by the department under s. 109.10 (4), no later than 2 years
13 after the date the wages are due. The department may, after receiving a wage claim,
14 investigate any wages due from the employer against whom the claim is filed to any
15 employee during the period commencing 2 years before the date the claim is filed.
16 The department shall enforce this chapter and ss. 66.0903, 103.02, 103.32, 103.49,
17 103.82, 104.12, and 229.8275. In pursuance of this duty, the department may sue the
18 employer on behalf of the employee to collect any wage claim or wage deficiency, and
19 ss. 109.03 (6) and 109.11 (2) and (3) shall apply to such actions. Except for actions
20 under s. 109.10, the department may refer such an action to the district attorney of
21 the county in which the violation occurs for prosecution and collection, and the
22 district attorney shall investigate as necessary and, if the wage claim or wage
23 deficiency appears to be valid, commence an action in the circuit court having
24 appropriate jurisdiction to collect the wage claim or wage deficiency. If the
25 department decides not to sue the employer to collect a wage claim or wage deficiency

1 arising under s. 66.0903 or 103.49 or refer such a wage claim or wage deficiency to
2 the district attorney, the department shall refer the wage claim or wage deficiency
3 to the department of justice, and the department of justice shall investigate as
4 necessary and, if the wage claim or wage deficiency appears to be valid, commence
5 an action in the circuit court having appropriate jurisdiction to collect the wage claim
6 or wage deficiency. Any number of wage claims or wage deficiencies against the same
7 employer may be joined in a single proceeding, but the court may order separate
8 trials or hearings. In actions that are referred to a district attorney under this
9 subsection, any taxable costs recovered by the district attorney shall be paid into the
10 general fund of the county in which the violation occurs and used by that county to
11 meet its financial responsibility under s. 978.13 (2) for the operation of the office of
12 the district attorney who prosecuted the action.”.

13 **357.** Page 158, line 22: after that line insert:

14 “SECTION 276p. 109.11 (1) (c) of the statutes is amended to read:

15 109.11 (1) (c) If an employer does not agree to compromise and settle a wage
16 claim under this subsection, the department may refer the wage claim to a district
17 attorney under s. 109.09 (1) or to the department of justice under s. 109.09 (1) or
18 109.10 (3) for commencement of an action in circuit court to collect the amount of
19 wages due and unpaid plus increased wages as specified in sub. (2) (b).”.

20 **358.** Page 159, line 3: after that line insert:

21 “SECTION 277gm. 111.91 (2) (n) of the statutes is amended to read:

22 111.91 (2) (n) The provision to employees of the health insurance coverage
23 required under s. 632.895 (11) to (14) (15).

24 SECTION 277hm. 111.91 (2) (qm) of the statutes is created to read:

1 111.91 (2) (qm) The requirements under s. 632.89 related to coverage of
2 treatment for nervous and mental disorders and alcoholism and other drug abuse
3 problems.”.

4 **359.** Page 159, line 3: after that line insert:

5 “**SECTION 277b.** 111.70 (1) (a) of the statutes is amended to read:

6 111.70 (1) (a) “Collective bargaining” means the performance of the mutual
7 obligation of a municipal employer, through its officers and agents, and the
8 representative of its municipal employees in a collective bargaining unit, to meet and
9 confer at reasonable times, in good faith, with the intention of reaching an
10 agreement, or to resolve questions arising under such an agreement, with respect to
11 wages, hours, and conditions of employment, and with respect to a requirement of
12 the municipal employer for a municipal employee to perform law enforcement and
13 fire fighting services under s. 61.66, and for a school district with respect to any
14 matter under sub. (4) (n), except as provided in sub. (4) (m) and s. 40.81 (3) and except
15 that a municipal employer shall not meet and confer with respect to any proposal to
16 diminish or abridge the rights guaranteed to municipal employees under ch. 164.
17 The duty to bargain, however, does not compel either party to agree to a proposal or
18 require the making of a concession. Collective bargaining includes the reduction of
19 any agreement reached to a written and signed document. The municipal employer
20 shall not be required to bargain on subjects reserved to management and direction
21 of the governmental unit except insofar as the manner of exercise of such functions
22 affects the wages, hours, and conditions of employment of the municipal employees
23 in a collective bargaining unit. In creating this subchapter the legislature recognizes
24 that the municipal employer must exercise its powers and responsibilities to act for

1 the government and good order of the jurisdiction which it serves, its commercial
2 benefit, and the health, safety, and welfare of the public to assure orderly operations
3 and functions within its jurisdiction, subject to those rights secured to municipal
4 employees by the constitutions of this state and of the United States and by this
5 subchapter.

6 **SECTION 277e.** 111.70 (4) (n) of the statutes is created to read:

7 111.70 (4) (n) *Mandatory subjects of bargaining.* In a school district, in addition
8 to any subject of bargaining on which the municipal employer is required to bargain
9 under sub. (1) (a), the municipal employer is required to bargain collectively with
10 respect to:

11 1. Time spent during the school day, separate from pupil contact time, to
12 prepare lessons, labs, or educational materials, to confer or collaborate with other
13 staff, or to complete administrative duties.

14 2. Time spent to perform the duties required of an individualized education
15 program team under s. 115.78 (2).”.

16 **360.** Page 159, line 3: after that line insert:

17 “**SECTION 277c.** 111.70 (1) (nc) 1. d. of the statutes is created to read:

18 111.70 (1) (nc) 1. d. A proposal to maintain all conditions of employment as the
19 conditions existed on the 90th day prior to the expiration of the previous collective
20 bargaining agreement between the parties or the 90th day prior to commencement
21 of negotiations if there is no previous collective bargaining agreement between the
22 parties.

23 **SECTION 277cm.** 111.70 (1) (nc) 1. e. of the statutes is created to read:

1 111.70 (1) (nc) 1. e. A proposal to maintain any provision relating to a subject
2 of collective bargaining on which the municipal employer was not required to bargain
3 that existed in the previous collective bargaining agreement between the parties or
4 that existed on the 90th day prior to the expiration of the previous collective
5 bargaining agreement between the parties.

6 **SECTION 277cp.** 111.70 (4) (cm) 5s. of the statutes is amended to read:

7 111.70 (4) (cm) 5s. ‘Issues subject to arbitration.’ In a collective bargaining unit
8 consisting of school district professional employees, the municipal employer or the
9 labor organization may petition the commission to determine whether the municipal
10 employer has submitted a timely qualified economic offer. The commission shall
11 appoint an investigator for that purpose. If the investigator, using the methodology
12 prescribed under subd. 8t., finds that the municipal employer has submitted a timely
13 qualified economic offer, the investigator shall determine whether a deadlock exists
14 between the parties with respect to all economic issues. If the municipal employer
15 submits a timely qualified economic offer applicable to any period beginning on or
16 after July 1, 1993, no economic issues are subject to interest arbitration under subd.
17 6. for that period, except that only the impact of contracting out or subcontracting
18 work that would otherwise be performed by municipal employees in the collective
19 bargaining unit is subject to interest arbitration under subd. 6. In such a collective
20 bargaining unit, economic issues concerning the wages, hours or conditions of
21 employment of the school district professional employees in the unit for any period
22 prior to July 1, 1993, are subject to interest arbitration under subd. 6. for that period.
23 In such a collective bargaining unit, noneconomic issues applicable to any period on
24 or after July 1, 1993, are subject to interest arbitration after the parties have
25 reached agreement and stipulate to agreement on all economic issues concerning the

1 wages, hours or conditions of employment of the school district professional
2 employees in the unit for that period. In such a collective bargaining unit, if the
3 commission's investigator finds that the municipal employer has submitted a timely
4 qualified economic offer and that a deadlock exists between the parties with respect
5 to all economic issues, the municipal employer may implement the qualified
6 economic offer. On the 90th day prior to expiration of the period included within the
7 qualified economic offer, if no agreement exists on that day, the parties are deemed
8 to have stipulated to the inclusion in a new or revised collective bargaining
9 agreement of all provisions of any predecessor collective bargaining agreement
10 concerning economic issues, or of all provisions of any existing collective bargaining
11 agreement concerning economic issues if the parties have reopened negotiations
12 under an existing agreement, as modified by the terms of the qualified economic offer
13 and as otherwise modified by the parties. In such a collective bargaining unit, on and
14 after that 90th day, a municipal employer that refuses to bargain collectively with
15 respect to the terms of that stipulation, applicable to the 90-day period prior to
16 expiration of the period included within the qualified economic offer, does not violate
17 sub. (3) (a) 4. Any such unilateral implementation after August 11, 1993, during the
18 90-day period prior to expiration of the period included within a qualified economic
19 offer, operates as a full, final and complete settlement of all economic issues between
20 the parties for the period included within the qualified economic offer. The failure
21 of a labor organization to recognize the validity of such a lawful qualified economic
22 offer does not affect the obligation of the municipal employer to submit economic
23 issues to arbitration under subd. 6. If the investigator determines that the municipal
24 employer has not submitted a timely qualified economic offer, either the municipal

1 employer or the labor organization may petition for arbitration under subd. 6. to
2 resolve any dispute relating to economic issues.

3 **SECTION 277cr.** 111.70 (4) (cm) 8t. of the statutes is created to read:

4 111.70 (4) (cm) 8t. 'Methodology for determining qualified economic offers.' The
5 commission shall prescribe by rule a methodology to be used in determining whether
6 a collective bargaining proposal submitted by a municipal employer to a labor
7 organization constitutes a qualified economic offer and whether such an offer is
8 timely.”.

9 **361.** Page 159, line 9: after that line insert:

10 “SECTION 279m. 115.28 (25) of the statutes is repealed.”.

11 **362.** Page 159, line 9: after that line insert:

12 “SECTION 279b. 115.29 (1) of the statutes is amended to read:

13 115.29 (1) DESIGNATE REPRESENTATIVE. Designate ~~the deputy state~~
14 ~~superintendent or another~~ any employee of the department as the state
15 superintendent’s representative on any body on which the state superintendent is
16 required to serve, except the board of regents of the University of Wisconsin
17 System.”.

18 **363.** Page 159, line 17: after that line insert:

19 “SECTION 280c. 118.13 (1m) of the statutes is created to read:

20 118.13 (1m) No person who wishes to attend a private school under s. 119.23
21 or a charter school may be denied admission to that school and no pupil who is
22 attending a private school under s. 119.23 or a charter school may be denied
23 participation in, be denied the benefits of, or be discriminated against in any
24 curricular, extracurricular, pupil services, recreational, or other program or activity

1 of that school because of the person's sex, race, religion, national origin, ancestry,
2 creed, pregnancy, marital or parental status, sexual orientation, or physical, mental,
3 emotional, or learning disability.

4 **SECTION 280e.** 118.13 (2) (am) of the statutes is created to read:

5 118.13 (2) (am) Each private school participating in the program under s.
6 119.23 and each charter school shall develop written policies and procedures to
7 implement this section and submit them to the state superintendent. The policies
8 and procedures shall provide for receiving and investigating complaints regarding
9 possible violations of this section, for making determinations as to whether this
10 section has been violated, and for ensuring compliance with this section.

11 **SECTION 280g.** 118.13 (2) (b) of the statutes is amended to read:

12 118.13 (2) (b) Any person who receives a negative determination under par. (a)
13 or (am) may appeal the determination to the state superintendent.

14 **SECTION 280i.** 118.13 (3) (a) 3. of the statutes is amended to read:

15 118.13 (3) (a) 3. Include in the department's biennial report under s. 15.04 (1)
16 (d) information on the ~~status of school district~~ compliance of school districts, charter
17 schools, and private schools with this section and ~~school district~~ the progress made
18 toward providing reasonable equality of educational opportunity for all pupils in this
19 state.

20 **SECTION 280k.** 118.13 (3) (b) 1. of the statutes is amended to read:

21 118.13 (3) (b) 1. Periodically review school district, charter school, and private
22 school programs, activities and services to determine whether the school boards,
23 charter schools, and private schools are complying with this section.

24 **SECTION 280m.** 118.13 (3) (b) 2. of the statutes is amended to read:

1 the Wisconsin Center for the Blind and Visually Impaired, or the Wisconsin School
2 for the Deaf.

3 (3) “Educational technology” means technology used in the education or
4 training of any person or in the administration of an elementary or secondary school
5 and related telecommunications services.

6 (3d) “Political subdivision” means any city, village, town, or county.

7 (3g) “Private college” means a private, regionally accredited, 4–year, nonprofit
8 college or university that is incorporated in this state or that has its regional
9 headquarters and principal place of business in this state or a tribally controlled
10 college in this state.

11 (3j) “Private school” has the meaning given in s. 115.001 (3r).

12 (3m) “Public library system” has the meaning given in s. 43.01 (5).

13 (3r) “Secured correctional facility” means the Southern Oaks Girls School, the
14 Ethan Allen School, the Youth Leadership Training Center, and the Lincoln Hills
15 School.

16 (4) “Telecommunications” has the meaning given in s. 16.97 (10).

17 (5) “Universal service fund” means the trust fund established under s. 25.95.

18 (6) “Video link” means a 2–way interactive video circuit.

19 **115.998 Technology for educational achievement in Wisconsin.** The
20 department shall do all of the following:

21 (1) In cooperation with school districts, cooperative educational service
22 agencies, the technical college system board, and the board of regents of the
23 University of Wisconsin System, promote the efficient, cost–effective procurement,
24 installation, and maintenance of educational technology by school districts,

1 cooperative educational service agencies, technical college districts, and the
2 University of Wisconsin System.

3 (2) Identify the best methods of providing preservice and in-service training
4 for teachers related to educational technology.

5 (3) Enter into cooperative purchasing agreements under s. 16.73 (1) under
6 which participating school districts and cooperative educational service agencies
7 may contract for their professional employees to receive training concerning the
8 effective use of educational technology.

9 (4) In cooperation with the board of regents of the University of Wisconsin
10 System, the technical college system board, and other entities, support the
11 development of courses for the instruction of professional employees who are
12 licensed by the state superintendent concerning the effective use of educational
13 technology.

14 (5) Provide telecommunications access to educational agencies under the
15 program established under s. 115.9995.

16 (6) No later than October 1 of each even-numbered year, submit a biennial
17 report concerning the department's activities under this subchapter to the governor,
18 and to the appropriate standing committees of the legislature under s. 13.172 (3).

19 (7) Coordinate the purchasing of educational technology materials, supplies,
20 equipment, and contractual services for school districts, cooperative educational
21 service agencies, technical college districts, and the board of regents of the
22 University of Wisconsin System by the department under s. 16.72 (8), and establish
23 standards and specifications for purchases of educational technology hardware and
24 software by school districts, cooperative educational service agencies, technical
25 college districts, and the board of regents of the University of Wisconsin System.

1 **(8)** Purchase educational technology equipment for use by school districts,
2 cooperative educational service agencies, and public educational institutions in this
3 state and permit the districts, agencies, and institutions to purchase or lease the
4 equipment, with an option to purchase the equipment at a later date. This paragraph
5 does not require the purchase or lease of any educational technology equipment from
6 the department.

7 **(9)** Administer, modify, or rescind any grant or award made by the Wisconsin
8 Advanced Telecommunications Foundation to fund a project described in s. 14.28 (3)
9 (a) 1. to 5., 1999 stats., to the extent allowed under a contract for making the grant
10 or award.

11 **115.999 Educational technology training programs, grants, aids and**
12 **loans. (1)** EDUCATIONAL TECHNOLOGY TRAINING AND TECHNICAL ASSISTANCE GRANTS.
13 From the appropriation under s. 20.255 (4) (et), the department shall award grants
14 to cooperative educational service agencies and to consortia consisting of 2 or more
15 school districts, charter school sponsors, secured correctional facilities, or
16 cooperative educational service agencies, or one or more school districts, charter
17 school sponsors, secured correctional facilities, or cooperative educational service
18 agencies and one or more public library boards, to provide technical assistance and
19 training in the use of educational technology. An applicant for a grant shall submit
20 to the department a plan that specifies the school districts, charter school sponsors,
21 secured correctional facilities, and public library boards that will participate in the
22 program and describes how the funds will be allocated. The department shall do all
23 of the following:

24 (a) Award grants to applicants on a competitive basis through one funding cycle
25 annually, except that the department shall ensure that at least one grant is awarded

1 annually to an applicant located in the territory of each cooperative educational
2 service agency.

3 (b) Give preference in awarding grants to consortia that include one or more
4 public library boards.

5 (c) To the extent possible, ensure that grants are equally distributed on a
6 statewide basis.

7 **(2) EDUCATIONAL TECHNOLOGY BLOCK GRANTS.** (b) 1. In this paragraph,
8 “equalized valuation per member” means equalized valuation, as defined in s.
9 121.004 (2), divided by membership, as defined in s. 121.004 (5), except as follows:

10 a. For a school district operating only high school grades, “equalized valuation
11 per member” means equalized valuation, as defined in s. 121.004 (2), divided by the
12 result obtained by multiplying membership, as defined in s. 121.004 (5), by 3.

13 b. For a school district operating only elementary grades, “equalized valuation
14 per member” means equalized valuation, as defined in s. 121.004 (2), divided by the
15 result obtained by multiplying membership, as defined in s. 121.004 (5), by 1.5.

16 c. If a school district’s equalized valuation per member is less than \$75,000, it
17 shall be considered to be \$75,000 for purposes of this paragraph.

18 2. From the appropriations under s. 20.255 (4) (f), (im), (jm), (js), and (mp),
19 annually the department shall pay \$5,000 to each eligible school district and \$5,000
20 to the department of corrections for each eligible correctional facility. The
21 department of corrections shall allocate funds received under this subsection among
22 the eligible secured correctional facilities as it deems appropriate. The department
23 shall distribute the balance in the appropriation to eligible school districts and to
24 charter school sponsors in proportion to the weighted membership of each school
25 district and in proportion to the number of pupils attending each charter school on

1 the 3rd Friday of September. The weighted membership for a school district shall
2 be determined by dividing the statewide average equalized valuation per member by
3 the school district's equalized valuation per member and multiplying the result by
4 the school district's membership, as defined in s. 121.004 (5).

5 (c) A school district is eligible for a grant under par. (b) 2. only if the annual
6 meeting in a common school district, or the school board in a unified school district
7 or in a school district operating under ch. 119, adopts a resolution requesting the
8 grant. A secured correctional facility is eligible for a grant under par. (b) 2. only if
9 the secretary of corrections submits a written request to the department. A charter
10 school sponsor is eligible for a grant under par. (b) 2. only if it submits a written
11 request to the department. A grant under this subsection may not be used to replace
12 funding available from other sources.

13 (d) A school district or secured correctional facility receiving a grant under par.
14 (b) shall deposit the moneys in a separate fund. The moneys may be used for any
15 purpose related to educational technology, except that a school district or secured
16 correctional facility may not use the moneys to pay the salary or benefits of any school
17 district or secured correctional facility employee. A charter school sponsor that
18 receives a grant under par. (b) may use the moneys for any purpose related to
19 educational technology that benefits the pupils attending the charter school, except
20 that a charter school sponsor may not use the moneys to pay the salary or benefits
21 of any charter school employee.

22 (e) The department shall distribute the grants under par. (b) 2. annually on the
23 first Monday in February.

24 **(3) COMPUTER TRAINING.** Annually, the department shall pay to the Racine
25 Unified School District the amount appropriated under s. 20.255 (4) (q) for training

1 teachers and pupils in computers, including training in use of the Internet, Web
2 design, computer animation, graphic design, and video skills.

3 **(4) EDUCATIONAL TECHNOLOGY INFRASTRUCTURE FINANCIAL ASSISTANCE. (a)**

4 *Financial assistance authorized.* The department may provide financial assistance
5 under this subsection to school districts and charter school sponsors from the
6 proceeds of public debt contracted under s. 20.866 (2) (zc) and to public library boards
7 from the proceeds of public debt contracted under s. 20.866 (2) (zcm). Financial
8 assistance under this subsection may be used only for the purpose of upgrading the
9 electrical wiring of school and library buildings in existence on October 14, 1997, and
10 installing and upgrading computer network wiring.

11 (b) *Financial assistance applications, terms and conditions.* The department
12 shall establish application procedures for, and the terms and conditions of, financial
13 assistance under this subsection, including a condition requiring a charter school
14 sponsor to use financial assistance under this subsection for wiring upgrading and
15 installation that benefits pupils attending the charter school. The department shall
16 make a loan to a school district, charter school sponsor, or public library board in an
17 amount equal to 50% of the total amount of financial assistance for which the
18 department determines the school district, charter school sponsor, or public library
19 board is eligible and provide a grant to the school district, charter school sponsor, or
20 public library board for the remainder of the total. The terms and conditions of any
21 financial assistance under this subsection may include provision of professional
22 building construction services under s. 16.85 (15). The department shall determine
23 the interest rate on loans under this subsection. The interest rate shall be as low as
24 possible but shall be sufficient to fully pay all interest expenses incurred by the state
25 in making the loans and to provide reserves that are reasonably expected to be

1 required in the judgment of the department to ensure against losses arising from
2 delinquency and default in the repayment of the loans. The term of a loan under this
3 subsection may not exceed 10 years.

4 (c) *Repayment of loans.* The department shall credit all moneys received from
5 school districts and charter school sponsors for repayment of loans under this
6 subsection to the appropriation account under s. 20.255 (4) (h). The department shall
7 credit all moneys received from public library boards for repayment of loans under
8 this subsection to the appropriation account under s. 20.255 (4) (hb).

9 (d) *Funding for financial assistance.* The department, with the approval of the
10 governor and subject to the limits of s. 20.866 (2) (zc) and (zcm), may request that the
11 building commission contract public debt in accordance with ch. 18 to fund financial
12 assistance under this subsection.

13 **115.9995 Educational telecommunications access program. (1)** Except
14 as provided in s. 196.218 (4t), the department shall promulgate rules establishing an
15 educational telecommunications access program to provide educational agencies
16 with access to data lines and video links.

17 **(2)** The rules promulgated under sub. (1) shall do all of the following:

18 (a) Allow an educational agency to make a request to the department for access
19 to either one data line or one video link, except that any educational agency may
20 request access to additional data lines if the agency shows to the satisfaction of the
21 department that the additional data lines are more cost-effective than a single data
22 line and except that a school district that operates more than one high school or a
23 public library board that operates more than one library facility may request access
24 to both a data line and a video link and access to more than one data line or video link.

1 (b) Establish eligibility requirements for an educational agency to participate
2 in the program established under sub. (1), including a requirement that a charter
3 school sponsor use data lines and video links to benefit pupils attending the charter
4 school and a requirement that Internet access to material that is harmful to children,
5 as defined in s. 948.11 (1) (b), is blocked on the computers of secured correctional
6 facilities that are served by data links and video links subsidized under this section.

7 (c) Establish specifications for data lines and video links for which access is
8 provided to an educational agency under the program established under sub. (1).

9 (d) Require an educational agency to pay the department not more than \$250
10 per month for each data line or video link that is provided to the educational agency
11 under the program established under sub. (1), except that the charge may not exceed
12 \$100 per month for each data line or video link that relies on a transport medium that
13 operates at a speed of 1.544 megabits per second.

14 (e) Include the protections specified in s. 196.209 (4) (a) and (b).

15 (f) Ensure that secured correctional facilities that receive access under this
16 section to data lines and video links use them only for educational purposes.

17 **(2g)** An educational agency that is provided access to a data line under the
18 program established under sub. (1) may not do any of the following:

19 (a) Provide access to the data line to any business entity, as defined in s. 13.62
20 (5).

21 (b) Request access to an additional data line for purposes of providing access
22 to bandwidth to a political subdivision under a shared service agreement under sub.
23 (2r) (a).

24 **(2r)** (a) A public library board that is provided access to a data line under the
25 program established under sub. (1) may enter into a shared service agreement with

1 a political subdivision that provides the political subdivision with access to any
2 excess bandwidth on the data line that is not used by the public library board, except
3 that a public library board may not sell, resell, or transfer in consideration for money
4 or anything of value to a political subdivision access to any excess bandwidth. A
5 shared service agreement under this paragraph is not valid unless the agreement
6 allows the public library board to cancel the agreement at any time after providing
7 notice to the political subdivision.

8 (b) A political subdivision that obtains access to bandwidth under a shared
9 service agreement under par. (a) may not receive compensation for providing any
10 other person with access to the bandwidth.

11 (c) A public library board shall provide the department with written notice
12 within 30 days after entering into or modifying a shared service agreement under
13 par. (a).

14 **(4)** If the federal communications commission promulgates or modifies rules
15 that provide rate discounts for telecommunications services to educational agencies
16 under 47 USC 254, the governor shall submit a report to the joint committee on
17 finance that includes any recommended changes to statutes or rules with respect to
18 funding the program established under sub. (1).

19 **(6)** (a) From the appropriation under s. 20.255 (4) (s) or (tm), the department
20 may award an annual grant to a school district or private school that had in effect
21 on October 14, 1997, a contract for access to a data line or video link, as documented
22 by the department. The department shall determine the amount of the grant, which
23 shall be equal to the cost incurred by the state to provide telecommunications access
24 to a school district or private school under a contract entered into under s. 16.971 (13)
25 or (15) less the amount that the school district or private school would be paying

1 under sub. (2) (d) if the school district or private school were participating in the
2 program established under sub. (1), except that the amount may not be greater than
3 the cost that a school district or private school incurs under the contract in effect on
4 October 14, 1997. A school district or private school receiving a grant under this
5 subsection is not eligible to participate in the program under sub. (1). No grant may
6 be awarded under this subsection after December 31, 2005.

7 (b) Notwithstanding par. (a), the department may award a school district that
8 operates more than one high school and that had in effect on October 14, 1997, a
9 contract for access to more than one data line or video link an annual grant for each
10 data line or video link serving each high school covered by that contract.”.

11 **365.** Page 159, line 17: after that line insert:

12 “**SECTION 280m.** 118.12 (4) of the statutes is created to read:

13 118.12 (4) If a school board enters into a contract that grants to one vendor the
14 exclusive right to sell soft drinks in one or more schools of the school district, the
15 contract may not prohibit the sale of milk in any school and, to the maximum extent
16 possible, the school board shall ensure that milk is available to pupils in each school
17 covered by the contract whenever and wherever the soft drinks are available to
18 pupils.”.

19 **366.** Page 159, line 17: after that line insert:

20 “**SECTION 280p.** 118.15 (3) (d) of the statutes is created to read:

21 118.15 (3) (d) Any child excused in writing by his or her parent or guardian and
22 by the principal of the school that the child attends for the purpose of serving as an
23 election official under s. 7.30 (2) (am). A principal may not excuse a child under this
24 paragraph unless the child has at least a 3.0 grade point average or the equivalent.

1 The principal shall allow the child to take examinations and complete course work
2 missed during the child's absences under this paragraph. The principal shall
3 promptly notify the municipal clerk or the board of election commissioners of the
4 municipality that appointed the child as an election official if the child ceases to be
5 enrolled in school or if the child no longer has at least a 3.0 grade point average or
6 the equivalent.”.

7 **367.** Page 160, line 3: after that line insert:

8 “**SECTION 281b.** 118.30 (1g) (a) 1. of the statutes is amended to read:

9 118.30 **(1g)** (a) 1. By August 1, 1998, each school board shall adopt pupil
10 academic standards in mathematics, science, reading and writing, geography, and
11 history. ~~If the governor has issued~~ The school board may adopt the pupil academic
12 standards issued by the governor as an executive order under s. 14.23, the school
13 board may adopt those standards no. 326, dated January 13, 1998.

14 **SECTION 281d.** 118.30 (1g) (a) 3. of the statutes is created to read:

15 118.30 **(1g)** (a) 3. By January 1, 2003, or by January 1 of the first school year
16 in which the private school participates in the program under s. 119.23, whichever
17 is later, the governing body of each private school participating in the program under
18 s. 119.23 shall adopt pupil academic standards in mathematics, science, reading and
19 writing, geography, and history. The governing body of the private school may adopt
20 the pupil academic standards issued by the governor as executive order no. 326,
21 dated January 13, 1998.

22 **SECTION 281f.** 118.30 (1g) (b) of the statutes is amended to read:

23 118.30 **(1g)** (b) Each school board operating high school grades ~~and~~, each
24 operator of a charter school under s. 118.40 (2r) that operates high school grades, and

1 the governing body of each private school participating in the program under s.
2 119.23 that operates high school grades shall adopt a high school graduation
3 examination that is designed to measure whether pupils meet the pupil academic
4 standards adopted by the school board ~~or~~, operator of the charter school, or governing
5 body of the private school under par. (a). If the school board ~~or~~, operator of the charter
6 school, or governing body of the private school has adopted the pupil academic
7 standards issued as executive order no. 326, dated January 13, 1998, the school
8 board ~~or~~, operator of the charter school, or governing body of the private school may
9 adopt the high school graduation examination developed by the department under
10 sub. (1) (b). If a school board ~~or~~, operator of a charter school, or governing body of a
11 private school develops and adopts its own high school graduation examination, it
12 shall notify the department annually by October 1 that it intends to administer the
13 examination in the following school year.

14 **SECTION 281h.** 118.30 (1g) (c) of the statutes is amended to read:

15 118.30 **(1g)** (c) Each school board operating elementary grades ~~and~~, each
16 operator of a charter school under s. 118.40 (2r) that operates elementary grades, and
17 the governing body of each private school participating in the program under s.
18 119.23 that operates elementary grades may develop or adopt its own examination
19 designed to measure pupil attainment of knowledge and concepts in the 4th grade
20 and may develop or adopt its own examination designed to measure pupil attainment
21 of knowledge and concepts in the 8th grade. If the school board ~~or~~, operator of the
22 charter school, or governing body of the private school develops or adopts an
23 examination under this paragraph, it shall notify the department.”.

24 **368.** Page 160, line 18: after that line insert:

1 “**SECTION 283c.** 118.30 (1s) of the statutes is created to read:

2 118.30 (1s) Annually the governing body of each private school participating
3 in the program under s. 119.23 shall do all of the following:

4 (a) 1. Except as provided in sub. (6), administer the 4th grade examination
5 adopted or approved by the state superintendent under sub. (1) (a) to all pupils
6 attending the 4th grade in the private school under s. 119.23.

7 2. Beginning on July 1, 2003, if the governing body of the private school has
8 developed or adopted its own 4th grade examination, administer that examination
9 to all pupils attending the 4th grade in the private school under s. 119.23.

10 (am) 1. Except as provided in sub. (6), administer the 8th grade examination
11 adopted or approved by the state superintendent under sub. (1) (a) to all pupils
12 attending the 8th grade in the private school under s. 119.23.

13 2. Beginning on July 1, 2003, if the governing body of the private school has
14 developed or adopted its own 8th grade examination, administer that examination
15 to all pupils attending the 8th grade in the private school under s. 119.23.

16 (b) Administer the 10th grade examination to all pupils attending the 10th
17 grade in the private school under s. 119.23.

18 (d) If the private school operates high school grades, beginning in the 2004–05
19 school year administer the high school graduation examination adopted by the
20 governing body of the private school under sub. (1g) (b) to all pupils attending the
21 11th and 12th grades at the private school under s. 119.23. The governing body of
22 the private school shall administer the examination at least twice each school year
23 and may administer the examination only to pupils attending the 11th and 12th
24 grades.

25 **SECTION 283g.** 118.30 (2) (b) 1. of the statutes is amended to read:

1 118.30 (2) (b) 1. If a pupil is enrolled in a special education program under
2 subch. V of ch. 115, the school board ~~or~~_; operator of ~~the~~ a charter school under s. 118.40
3 (2r), or governing body of a private school participating in the program under s.
4 119.23 shall comply with s. 115.77 (1m) (bg).

5 **SECTION 283n.** 118.30 (2) (b) 2. of the statutes is amended to read:

6 118.30 (2) (b) 2. According to criteria established by the state superintendent
7 by rule, the school board ~~or~~_; operator of ~~the~~ a charter school under s. 118.40 (2r), or
8 governing body of a private school participating in the program under s. 119.23 may
9 determine not to administer an examination under this section to a limited-English
10 proficient pupil, as defined under s. 115.955 (7), may permit the pupil to be examined
11 in his or her native language, ~~or~~_; may modify the format and administration of an
12 examination for such pupils.

13 **SECTION 283r.** 118.30 (2) (b) 5. of the statutes is created to read:

14 118.30 (2) (b) 5. Upon the request of a pupil's parent or guardian, the governing
15 body of a private school participating in the program under s. 119.23 shall excuse the
16 pupil from taking an examination administered under sub. (1s).

17 **SECTION 283w.** 118.30 (6) of the statutes is amended to read:

18 118.30 (6) A school board ~~and~~_; an operator of a charter school under s. 118.40
19 (2r), and the governing body of a private school participating in the program under
20 s. 119.23 is not required to administer the 4th and 8th grade examinations adopted
21 or approved by the state superintendent under sub. (1) if the school board ~~or~~_; the
22 operator of the charter school, or the governing body of the private school administers
23 its own 4th and 8th grade examinations, the school board ~~or~~_; operator of the charter
24 school, or governing body of the private school provides the state superintendent
25 with statistical correlations of those examinations with the examinations adopted or

1 approved by the state superintendent under sub. (1), and the federal department of
2 education approves.”.

3 **369.** Page 160, line 19: delete “of the statutes is” and substitute “1. and 2. of
4 the statutes are”.

5 **370.** Page 161, line 7: after that line insert:

6 “SECTION 284d. 118.33 (1) (f) 2m. of the statutes is created to read:

7 118.33 (1) (f) 2m. By September 1, 2004, the governing body of each private
8 school participating in the program under s. 119.23 shall develop a policy specifying
9 criteria for granting a high school diploma to pupils attending the private school
10 under s. 119.23. The criteria shall include the pupil’s score on the examination
11 administered under s. 118.30 (1s) (d), the pupil’s academic performance, and the
12 recommendations of teachers.”.

13 **371.** Page 161, line 8: delete lines 8 to 11 and substitute:

14 “SECTION 284e. 118.33 (1) (f) 3. of the statutes is amended to read:

15 118.33 (1) (f) 3. Beginning on September 1, ~~2003~~ 2005, neither a school board
16 nor an operator of a charter school under s. 118.40 (2r) may grant a high school
17 diploma to any pupil unless the pupil has satisfied the criteria specified in the school
18 board’s or charter school’s policy under subd. 1. or 2. Beginning on September 1,
19 2005, the governing body of a private school participating in the program under s.
20 119.23 may not grant a high school diploma to any pupil attending the private school
21 under s. 119.23 unless the pupil has satisfied the criteria specified in the governing
22 body’s policy under subd. 2m.

23 SECTION 284f. 118.33 (6) (c) of the statutes is created to read:

1 118.33 **(6)** (c) 1. The governing body of each private school participating in the
2 program under s. 119.23 shall adopt a written policy specifying the criteria for
3 promoting a pupil who is attending the private school under s. 119.23 from the 4th
4 grade to the 5th grade and from the 8th grade to the 9th grade. The criteria shall
5 include the pupil's score on the examination administered under s. 118.30 (1s) (a) or
6 (am), unless the pupil has been excused from taking the examination under s. 118.30
7 (2) (b); the pupil's academic performance; the recommendations of teachers, which
8 shall be based solely on the pupil's academic performance; and any other academic
9 criteria specified by the governing body of the private school.

10 2. Beginning on September 1, 2003, the governing body of a private school
11 participating in the program under s. 119.23 may not promote a 4th grade pupil who
12 is attending the private school under s. 119.23 to the 5th grade, and may not promote
13 an 8th grade pupil who is attending the private school under s. 119.23 to the 9th
14 grade, unless the pupil satisfies the criteria for promotion specified in the governing
15 body's policy under subd. 1.

16 **SECTION 284g.** 118.40 (4) (a) 3. and 4. of the statutes are created to read:

17 118.40 **(4)** (a) 3. Permit public inspection and copying of any record, as defined
18 in s. 19.32 (2), of the charter school to the same extent as is required of, and subject
19 to the same terms and enforcement provisions that apply to, an authority under
20 subch. II of ch. 19.

21 4. Provide public access to meetings of the governing body of the charter school
22 to the same extent as is required of, and subject to the same terms and enforcement
23 provisions that apply to, a governmental body under subch. V of ch. 19.

24 **SECTION 284h.** 118.40 (4) (b) (intro.) and 1. of the statutes are consolidated,
25 renumbered 118.40 (4) (b) and amended to read:

1 118.40 (4) (b) *Restrictions*. A charter school may not do any of the following:

2 1. Charge charge tuition.

3 **SECTION 284i.** 118.40 (4) (b) 2. of the statutes is repealed.

4 **SECTION 284k.** 119.23 (2) (a) 6. and 7. of the statutes are created to read:

5 119.23 (2) (a) 6. The governing body of the private school permits public
6 inspection and copying of any record, as defined in s. 19.32 (2), of the private school
7 to the same extent as is required of, and subject to the same terms and enforcement
8 provisions that apply to, an authority under subch. II of ch. 19.

9 7. The governing body of the private school provides public access to its
10 meetings to the same extent as is required of, and subject to the same terms and
11 enforcement provisions that apply to, a governmental body under subch. V of ch. 19.

12 **SECTION 284L.** 119.23 (10) of the statutes is created to read:

13 119.23 (10) Each private school participating in the program under this section
14 shall administer to the pupils attending the 3rd grade in the private school under this
15 section a standardized reading test developed by the department.”.

16 **372.** Page 161, line 11: after that line insert:

17 “**SECTION 284d.** 120.18 (1) (i) of the statutes is amended to read:

18 120.18 (1) (i) A description of the educational technology used by the school
19 district, including the uses made of the technology, the cost of the technology and the
20 number of persons using or served by the technology. In this paragraph, “educational
21 technology” has the meaning given in s. 44.70(3) 115.997 (3).”.

22 **373.** Page 161, line 11: after that line insert:

23 “**SECTION 284g.** 119.23 (4) (b) 2. of the statutes is repealed and recreated to
24 read:

1 119.23 (4) (b) 2. In the 2002–03 school year, \$2,000 for a pupil enrolled in the
2 elementary grades and \$3,000 for a pupil enrolled in the high school grades; and in
3 the 2003–04 school year and in each school year thereafter, \$1,000 for a pupil
4 enrolled in the elementary grades and \$1,500 for a pupil enrolled in the high school
5 grades.

6 **SECTION 284k.** 119.23 (4p) of the statutes is created to read:

7 119.23 (4p) If the appropriation under s. 20.255 (2) (fu) in any fiscal year is
8 insufficient to pay the full amount under subs. (4) and (4m), the state superintendent
9 shall prorate the payments.”.

10 **374.** Page 161, line 11: after that line insert:

11 “**SECTION 284fc.** 120.13 (2) (g) of the statutes is amended to read:

12 120.13 (2) (g) Every self-insured plan under par. (b) shall comply with ss.
13 49.493 (3) (d), 631.89, 631.90, 631.93 (2), 632.746 (10) (a) 2. and (b) 2., 632.747 (3),
14 632.85, 632.853, 632.855, 632.87 (4) and (5), 632.89, 632.895 (9) to ~~(14)~~ (15), 632.896,
15 and 767.25 (4m) (d).”.

16 **375.** Page 161, line 11: after that line insert:

17 “**SECTION 284k.** 118.51 (10) of the statutes is amended to read:

18 118.51 (10) PUPIL ASSIGNMENT. A nonresident school board may assign pupils
19 accepted to attend public school in the school district under this section to a school
20 or program within the school district, except that until July 1, 2004, a nonresident
21 school board may not assign a pupil to a school or program in which the pupil will
22 receive less than 50% of his or her instruction from a licensed teacher who is present
23 in the same room as the pupil. The school board may give preference in attendance

1 at a school, program, class or grade to residents of the school district who live outside
2 the school's attendance area.”.

3 **376.** Page 161, line 11: after that line insert:

4 “**SECTION 284j.** 119.85 of the statutes is created to read:

5 **119.85 Enhanced capacity and quality aid.** Annually the state shall pay
6 to the board the amount appropriated under s. 20.255 (2) (ec).”.

7 **377.** Page 161, line 11: after that line insert:

8 “**SECTION 284c.** 119.32 (3) of the statutes is amended to read:

9 119.32 (3) Subject to confirmation by the board, the superintendent of schools
10 shall appoint the ~~deputy superintendent of schools,~~ associate superintendent of
11 schools, ~~executive assistant to the superintendent of schools,~~ assistant to the
12 superintendent of schools, assistant superintendent, division director, department
13 director and other supervisory or administrative employees designated by the board.

14 **SECTION 284h.** 119.42 (1) of the statutes is amended to read:

15 119.42 (1) In this section, “teacher” has the meaning given under s. 40.02 (55),
16 but excludes the superintendent of schools, ~~deputy superintendent of schools,~~
17 associate superintendent of schools, ~~executive assistant to the superintendent of~~
18 ~~schools,~~ assistant to the superintendent of schools, assistant superintendent,
19 division director and department director.”.

20 **378.** Page 163, line 7: after that line insert:

21 “**SECTION 287d.** 121.15 (3m) (a) 2. of the statutes, as affected by 2001 Wisconsin
22 Act 16, is amended to read:

23 121.15 (3m) (a) 2. “State school aids” means those aids appropriated under s.
24 20.255 (1) (b) and (2), other than s. 20.255 (2) (fm), (fu), (k), and (m), and under ss.

1 ~~20.275 (1) (d)~~, 20.255 (4) (es), (et) and (f) and 20.285 (1) (ee), (r) and (rc) and those aids
2 appropriated under s. ~~20.275 (1)~~ 20.255 (4) (s) that are used to provide grants or
3 educational telecommunications access to school districts under s. ~~44.73~~ 115.9995.”.

4 **379.** Page 166, line 24: after that line insert:

5 “**SECTION 300m.** 134.17 (4) of the statutes is amended to read:

6 134.17 (4) For each recording, the register of deeds shall receive the fee
7 specified for filing recording under s. 59.43 (2) (ag).”.

8 **380.** Page 167, line 16: after that line insert:

9 “**SECTION 303g.** 134.74 of the statutes is created to read:

10 **134.74 Nondisclosure of information on receipts. (1)** In this section:

11 (a) “Credit card” has the meaning given in s. 421.301 (15).

12 (b) “Debit card” means a plastic card or similar device that may be used to
13 purchase goods or services by providing the purchaser with direct access to the
14 purchaser’s account at a depository institution.

15 (c) “Depository institution” means a bank, savings bank, savings and loan
16 association, or credit union.

17 **(2)** Beginning on the first day of the 37th month beginning after the effective
18 date of this subsection [revisor inserts date], no person who is in the business of
19 selling goods at retail or selling services and who accepts a credit card or a debit card
20 for the purchase of goods or services may issue a credit card or debit card receipt, for
21 that purchase, on which is printed more than 5 digits of the credit card or debit card
22 number.

1 **(3)** This section does not apply to any person who issues a credit card or debit
2 card receipt that is handwritten or that is manually prepared by making an imprint
3 of the credit card or debit card.”.

4 **381.** Page 167, line 16: after that line insert:

5 “**SECTION 303b.** 134.65 (1) of the statutes is amended to read:

6 134.65 **(1)** No person, except a person who holds a valid permit under s. 139.345
7 or 139.795 and whose business premises is not physically located in this state, shall
8 in any manner, or upon any pretense, or by any device, directly or indirectly sell,
9 expose for sale, possess with intent to sell, exchange, barter, dispose of or give away
10 any cigarettes or tobacco products to any person not holding a license as herein
11 provided or a permit under ss. 139.30 to 139.41 or 139.79 without first obtaining a
12 license from the clerk of the city, village or town wherein such privilege is sought to
13 be exercised.

14 **SECTION 303c.** 134.65 (1r) of the statutes is created to read:

15 134.65 **(1r)** (a) No license under sub. (1) may be issued to any person to whom
16 any of the following applies:

17 1. Subject to ss. 111.321, 111.322, and 111.335, the person has an arrest record
18 or a conviction record.

19 2. Subject to ss. 111.321, 111.322, and 111.335, the person has been convicted
20 of a felony, or as a repeat or habitual offender, unless pardoned.

21 3. The person has not submitted proof as provided under s. 77.61 (11).

22 (b) The requirements under par. (a) apply to all partners of a partnership, all
23 members of limited liability company, all agents of a limited liability company or
24 corporation, and all officers of a corporation. Subject to ss. 111.321, 111.322, and

1 111.335, if a business entity has been convicted of a crime, the entity may not be
2 issued a license under sub. (1) unless the entity has terminated its relationship with
3 the individuals whose actions directly contributed to the conviction.

4 **SECTION 303d.** 134.65 (2) (a) of the statutes is amended to read:

5 134.65 (2) (a) ~~Except~~ Subject to sub. (1r), and except as provided in par. (b),
6 upon filing of a proper written application a license shall be issued on July 1 of each
7 year or when applied for and continue in force until the following June 30 unless
8 sooner revoked. The city, village or town may charge a fee for the license of not less
9 than \$5 nor more than \$100 per year which shall be paid to the city, village or town
10 treasurer before the license is issued.

11 **SECTION 303e.** 134.65 (5) of the statutes is amended to read:

12 134.65 (5) Any person violating this section shall be fined not more than \$100
13 \$1,000 nor less than ~~\$25~~ \$500 for the first offense and shall be fined not more than
14 ~~\$200~~ \$5,000 nor less than ~~\$25~~ \$1,000 or imprisoned not exceeding 180 days or both
15 for the 2nd or subsequent offense. ~~If upon such 2nd or subsequent violation, the~~
16 ~~person so violating this section was personally guilty of a failure to exercise due care~~
17 ~~to prevent violation thereof, the person shall be fined not more than \$300 nor less~~
18 ~~than \$25 or imprisoned not exceeding 60 days or both.~~ Conviction on a 2nd or
19 subsequent offense shall immediately terminate the license of the person convicted
20 of being personally guilty of such failure to exercise due care and the person shall not
21 be entitled to another license hereunder for a period of 5 years thereafter, nor shall
22 the person in that period act as the servant or agent of a person licensed hereunder
23 for the performance of the acts authorized by such license.

24 **SECTION 303f.** 134.66 (1) (am) of the statutes is created to read:

25 134.66 (1) (am) “Direct marketer” has the meaning given in s. 139.30 (2n).

1 **SECTION 303g.** 134.66 (2) (a) of the statutes is amended to read:

2 134.66 (2) (a) No retailer, direct marketer, manufacturer, distributor, jobber or
3 subjobber, no agent, employee or independent contractor of a retailer, direct
4 marketer, manufacturer, distributor, jobber or subjobber and no agent or employee
5 of an independent contractor may sell or provide for nominal or no consideration
6 cigarettes or tobacco products to any person under the age of 18, except as provided
7 in s. 254.92 (2) (a). A vending machine operator is not liable under this paragraph
8 for the purchase of cigarettes or tobacco products from his or her vending machine
9 by a person under the age of 18 if the vending machine operator was unaware of the
10 purchase.

11 **SECTION 303h.** 134.66 (2) (am) of the statutes is amended to read:

12 134.66 (2) (am) No retailer, direct marketer, manufacturer, distributor, jobber,
13 subjobber, no agent, employee or independent contractor of a retailer, direct
14 marketer, manufacturer, distributor, jobber or subjobber and no agent or employee
15 of an independent contractor may provide for nominal or no consideration cigarettes
16 or tobacco products to any person except in a place where no person younger than 18
17 years of age is present or permitted to enter unless the person who is younger than
18 18 years of age is accompanied by his or her parent or guardian or by his or her spouse
19 who has attained the age of 18 years.

20 **SECTION 303i.** 134.66 (2) (d) of the statutes is amended to read:

21 134.66 (2) (d) No manufacturer, direct marketer, distributor, jobber, subjobber
22 or retailer, or their employees or agents, may provide cigarettes or tobacco products
23 for nominal or no consideration to any person under the age of 18.

24 **SECTION 303j.** 134.66 (2) (e) of the statutes is amended to read:

1 134.66 (2) (e) No retailer or direct marketer may sell cigarettes in a form other
2 than as a package or container on which a stamp is affixed under s. 139.32 (1).

3 **SECTION 303k.** 134.66 (3m) of the statutes is created to read:

4 134.66 (3m) DEFENSE OF DIRECT MARKETER. Proof of any of the following facts
5 by a direct marketer who sells cigarettes or tobacco products to a person under the
6 age of 18 is a defense to any prosecution for a violation under sub. (2) (a):

7 (a) That the direct marketer used a mechanism, approved by the department
8 of revenue, for verifying the age of the purchaser.

9 (b) That the purchaser falsely represented that he or she had attained the age
10 of 18 and presented a copy or facsimile of a government issued identification.

11 (c) That the name and birthdate of the purchaser, as indicated by the purchaser,
12 matched the name and birthdate on the identification presented under par. (b).

13 (d) That the sale was made in good faith, in reasonable reliance on the
14 mechanism described in par. (a) and the representation and identification under
15 pars. (b) and (c), and in the belief that the purchaser had attained the age of 18.

16 **SECTION 315bb.** 139.30 (1m) of the statutes is created to read:

17 139.30 (1m) “Consumer” means any individual who receives cigarettes for his
18 or her personal use or consumption or any individual who has title to or possession
19 of cigarettes for any purpose other than for sale or resale.

20 **SECTION 315bc.** 139.30 (2n) of the statutes is created to read:

21 139.30 (2n) “Direct marketer” means any person who solicits or sells cigarettes
22 to consumers in this state by direct marketing.

23 **SECTION 315bd.** 139.30 (2p) of the statutes is created to read:

24 139.30 (2p) “Direct marketing” means publishing or making accessible an offer
25 for the sale of cigarettes to consumers in this state, or selling cigarettes to consumers

1 in this state, using any means by which the consumer is not physically present at the
2 time of sale on a premise that sells cigarettes.

3 **SECTION 315be.** 139.30 (3) of the statutes is amended to read:

4 139.30 (3) “Distributor” means any person who acquires unstamped cigarettes
5 from the manufacturer thereof or from the first importer of record thereof, affixes
6 stamps to the packages or other containers, stores them and sells them to other
7 permittees or to retailers for resale ~~or~~ and who ~~acquires~~ may acquire stamped
8 cigarettes from another permittee distributor for such sales.

9 **SECTION 315bf.** 139.30 (8s) of the statutes is created to read:

10 139.30 (8s) “Person” means any individual, sole proprietorship, partnership,
11 limited liability company, corporation, or association, or any owner of a single-owner
12 entity that is disregarded as a separate entity under ch. 71.

13 **SECTION 315bg.** 139.30 (10) of the statutes is amended to read:

14 139.30 (10) “Retailer” means any person who sells, exposes for sale or possesses
15 with intent to sell to consumers any cigarettes by any means in which the consumer
16 is physically present at the time of sale on a premises that sells cigarettes.

17 **SECTION 315bh.** 139.32 (1) of the statutes is amended to read:

18 139.32 (1) The tax imposed by s. 139.31 (1) shall be paid. To evidence the
19 payment, the department shall provide stamps. A person who has paid the tax shall
20 affix stamps of the proper denomination to each package in which cigarettes are
21 packed, prior to the first sale within this state. First sale does not include a sale by
22 a manufacturer to a distributor or to a direct marketer or by a distributor to a
23 permittee who has obtained department approval as provided for in s. 139.321 (1) (a)
24 2. The tax shall be paid only once on each package or container.

25 **SECTION 315bi.** 139.32 (4) of the statutes is repealed.

1 **SECTION 315bj.** 139.32 (5) of the statutes is amended to read:

2 139.32 (5) Manufacturers, direct marketers, and distributors having a permit
3 from the secretary shall receive a discount of 1.6% of the tax paid on stamp
4 purchases.

5 **SECTION 315bk.** 139.32 (5m) of the statutes is amended to read:

6 139.32 (5m) Distributors, direct marketers, and manufacturers shall pay to
7 the department the cost of printing and shipping those stamps.

8 **SECTION 315bL.** 139.32 (6) of the statutes is amended to read:

9 139.32 (6) Manufacturers, direct marketers, and distributors having a permit
10 from the secretary may purchase stamps on credit. The secretary may require
11 manufacturers, direct marketers, and distributors who purchase stamps on credit
12 to file under the conditions prescribed by the secretary by rule.

13 **SECTION 315bm.** 139.321 (1) (intro.) of the statutes is amended to read:

14 139.321 (1) (intro.) It is unlawful for any person to possess ~~in excess of 400~~
15 cigarettes unless the required stamps are properly affixed as provided in ss. 139.32
16 (1) and 139.33 (4).

17 **SECTION 315bn.** 139.321 (1) (a) 1. of the statutes is amended to read:

18 139.321 (1) (a) 1. Manufacturers, direct marketers, distributors or warehouse
19 operators possessing valid permits issued by the secretary.

20 **SECTION 315bp.** 139.33 (3) of the statutes is amended to read:

21 139.33 (3) No person other than a member of the armed forces, as specified in
22 this subsection, a licensed distributor, or a licensed direct marketer may import into
23 this state ~~more than 400~~ cigarettes on which the excise tax imposed by s. 139.31 has
24 not been paid and the container of which does not bear proper stamps. Within 15
25 days, any such person importing cigarettes shall file a declaration of such cigarettes

1 imported and shall remit therewith the tax on such cigarettes imposed by this
2 section. Members of the armed forces shall not be required to report or pay the tax
3 on cigarettes in their possession if such cigarettes are issued to them by the U.S.
4 government or any of its subdivisions or were purchased in any armed forces post
5 exchange or service store. If the use tax imposed by this section is not paid when due,
6 it shall become delinquent and the person liable for it shall pay, in addition, a penalty
7 of \$25 for each 200 cigarettes. Interest on the delinquent tax and penalty shall accrue
8 at the rate of 1.5% per month or each fraction of a month from the date the tax became
9 due until paid.

10 **SECTION 315bq.** 139.34 (1) (a) of the statutes is amended to read:

11 139.34 (1) (a) No person may manufacture cigarettes in this state or sell
12 cigarettes in this state as a distributor, jobber, vending machine operator, direct
13 marketer, or multiple retailer and no person may operate a warehouse in this state
14 for the storage of cigarettes for another person without first filing an application for
15 and obtaining the proper permit to perform such operations from the department.

16 **SECTION 315br.** 139.34 (1) (b) of the statutes is repealed.

17 **SECTION 315bs.** 139.34 (1) (c) (intro.) of the statutes is amended to read:

18 139.34 (1) (c) (intro.) ~~Subject to ss. 111.321, 111.322 and 111.335, no~~ No permit
19 under this section may be granted to any person to whom any of the following applies:

20 **SECTION 315bt.** 139.34 (1) (c) 1. to 6. of the statutes are repealed.

21 **SECTION 315bu.** 139.34 (1) (c) 1m. of the statutes is created to read:

22 139.34 (1) (c) 1m. Subject to ss. 111.321, 111.322, and 111.335, the person has
23 an arrest record or a conviction record.

24 **SECTION 315bv.** 139.34 (1) (c) 2m. of the statutes is created to read:

1 139.34 (1) (c) 2m. Subject to ss. 111.321, 111.322, and 111.335, the person has
2 been convicted of a felony, or as a repeat or habitual offender, unless pardoned.

3 **SECTION 315bw.** 139.34 (1) (c) 3m. of the statutes is created to read:

4 139.34 (1) (c) 3m. The person has not submitted proof as provided under s.
5 77.61 (11).

6 **SECTION 315bx.** 139.34 (1) (cm) of the statutes is created to read:

7 139.34 (1) (cm) The requirements under par. (c) apply to all partners of a
8 partnership, all members of limited liability company, all agents of a limited liability
9 company or corporation, and all officers of a corporation. Subject to ss. 111.321,
10 111.322, and 111.335, if a business entity has been convicted of a crime, the entity
11 may not be issued a permit under this subsection unless the entity has terminated
12 its relationship with the individuals whose actions directly contributed to the
13 conviction.

14 **SECTION 315by.** 139.34 (4) of the statutes is amended to read:

15 139.34 (4) A separate permit shall be required of and issued to each class of
16 permittee and the holder of any permit shall perform only the operations thereby
17 authorized. Such permit shall not be transferable from one person to another or from
18 one premises to another. A separate permit shall be required for each place where
19 cigarettes are stamped or where cigarettes are stored for sale at wholesale ~~or~~
20 through vending machines or multiple retail outlets, or by direct marketing.

21 **SECTION 315bz.** 139.34 (6) of the statutes is amended to read:

22 139.34 (6) A vending machine operator or a multiple retailer may acquire
23 unstamped cigarettes ~~from the manufacturers thereof~~ and affix the stamps to
24 packages or other containers only if the vending machine operator or multiple
25 retailer also holds a permit as a distributor or direct marketer.

1 **SECTION 315cb.** 139.34 (8) of the statutes is amended to read:

2 139.34 **(8)** The holder of a warehouse permit is entitled to store cigarettes on
3 the premises described in the permit. The warehouse permit shall not authorize the
4 holder to sell cigarettes. Unstamped cigarettes stored in a warehouse for a
5 manufacturer, direct marketer, or distributor may be delivered only to a person
6 holding a permit as a manufacturer, direct marketer, or distributor.

7 **SECTION 315cc.** 139.345 of the statutes is created to read:

8 **139.345 Direct marketing. (1)** (a) No person may sell cigarettes to
9 consumers in this state as a direct marketer or solicit sales of cigarettes to consumers
10 in this state by direct marketing unless the person has obtained a permit from the
11 department to make such sales or solicitations. The person shall file an application
12 for a permit under this subsection with the department, in the manner prescribed
13 by the department, and shall submit the following fee with the application:

14 1. If the person sells no more than 30,000 cigarettes annually to consumers in
15 this state by direct marketing, \$1,000.

16 2. If the person sells more than 30,000 but less than 600,001 cigarettes
17 annually to consumers in this state by direct marketing, \$5,000.

18 3. If the person sells more than 600,000 cigarettes annually to consumers in
19 this state by direct marketing, \$10,000.

20 (b) A permit issued under par. (a) expires on December 31 of each year.

21 (c) The department may not issue a permit to a person under par. (a) unless the
22 person certifies to the department that the person shall acquire stamped cigarettes
23 from a licensed wholesaler or distributor or unstamped cigarettes from the
24 manufacturer thereof or from the first importer of record thereof, pay the tax
25 imposed under this subchapter on all unstamped cigarettes and affix stamps to the

1 cigarette packages or containers as provided under s. 139.32 (1), store such packages
2 or containers, and sell only such packages or containers to consumers in this state
3 by direct marketing; or purchase cigarettes from a distributor, to the packages or
4 containers of which stamps have been affixed as provided under s. 139.32 (1), and sell
5 only such packages or containers to consumers in this state by direct marketing.

6 (d) No person may be issued a permit under this subsection unless the person
7 certifies to the department, in the manner prescribed by the department, that all
8 cigarette sales to consumers in this state shall be credit card or personal check
9 transactions; that the invoices for all shipments of cigarette sales from the person
10 shall bear the person's name and address and the permit number of the permit
11 ultimately issued under this subsection; and that the person shall provide the
12 department any information the department considers necessary to administer this
13 section.

14 (2) (a) No person may purchase tax stamps in excess of the number of cigarette
15 sales specified in his or her permit under sub. (1) (a) unless the person pays the
16 permit fee under sub. (1) (a) that is applicable to the excess amount.

17 (b) No person may sell cigarettes in excess of the number of cigarette sales
18 specified in his or her permit under sub. (1) (a) unless the person pays the permit fee
19 under sub. (1) (a) that is applicable to the excess sales. Any person who sells
20 cigarettes in excess of the number of cigarette sales specified in his or her permit
21 shall pay a penalty to the department of \$5,000 or an amount that is equal to \$50 for
22 every 200 cigarettes, or fraction of 200 cigarettes, whichever is greater.

23 (3) (a) No person may sell cigarettes to consumers in this state by direct
24 marketing unless the tax imposed under s. 139.31 (1) is paid on such cigarettes and

1 stamps are affixed to the cigarette packages or containers as provided under s.
2 139.32.

3 (b) No person may sell cigarettes to consumers in this state by direct marketing
4 unless the tax imposed under s. 77.52 or 77.53 is paid on the sale of such cigarettes.

5 (4) No person may sell cigarettes to a consumer in this state by direct
6 marketing unless the person verifies the consumer's identity and that the consumer
7 is at least 18 years of age by any of the following methods:

8 (a) The person uses a database, approved by the department, that includes
9 information based on public records to verify the consumer's age and identity.

10 (b) The person receives from the consumer, at the time of purchase, a notarized
11 copy of a government issued identification, the name specified on the identification
12 matches the name of the consumer, and the birth date on the identification verifies
13 that the purchaser is at least 18 years of age. In this paragraph, "government issued
14 identification" includes a valid driver's license, state identification card, passport, or
15 military identification.

16 (c) The person uses a mechanism, other than a mechanism under par. (a) or (b),
17 for verifying the age and identity of a consumer that is approved by the department.

18 (5) Any person who, without having a valid permit under sub. (1), sells or
19 solicits sales of cigarettes to consumers in this state by direct marketing shall pay
20 a penalty to the department of \$5,000 or an amount that is equal to \$50 for every 200
21 cigarettes, or fraction of 200 cigarettes, sold to consumers in this state by direct
22 marketing, whichever is greater.

23 (6) (a) No sale of cigarettes to a consumer in this state by direct marketing may
24 exceed 10 cartons for each invoice or 20 cartons in a 30 day period for each purchaser
25 or address.

1 (b) Any person who sells cigarettes that exceed the maximum amounts under
2 par. (a) shall pay a penalty to the department of \$5,000 or an amount that is equal
3 to \$50 for every 200 cigarettes, or major fraction of 200 cigarettes, sold above the
4 maximum amounts, whichever is greater.

5 (c) Any person who purchases cigarettes that exceed the maximum amounts
6 under par. (a) shall apply for a permit under s. 139.34 and shall pay a penalty to the
7 department of \$25 for every 200 cigarettes, or fraction of 200 cigarettes, purchased
8 above the maximum amounts.

9 (7) No cigarettes may be shipped to a person who is under 18 years of age and
10 no cigarettes may be shipped to a post-office box.

11 (8) All revenue collected from permits and penalties under this section shall
12 be credited to the appropriation account under s. 20.566 (1) (gc) to enforce and
13 administer this section.

14 **SECTION 315cd.** 139.35 (1) of the statutes is amended to read:

15 139.35 (1) TRANSFERS. No person may give, sell or lend any stamps to another
16 and no person may accept, purchase or borrow any stamps from another. All sales
17 and transfers of stamps may be made only by the secretary to permit holding
18 manufacturers, direct marketers, and distributors.

19 **SECTION 315ce.** 139.37 (1) (a) of the statutes is amended to read:

20 139.37 (1) (a) No person shall sell cigarettes or ~~take orders for cigarettes for~~
21 ~~resale~~ solicit cigarette sales in this state ~~for any manufacturer or permittee without~~
22 ~~first obtaining a~~ unless the person has filed an application for and obtained a valid
23 certificate under s. 73.03 (50) and a salesperson's permit from the department of
24 revenue. No manufacturer or permittee shall authorize any person to sell cigarettes
25 ~~or take orders for cigarettes~~ solicit cigarette sales in this state ~~without first having~~

1 ~~such person secure~~ unless the person has filed an application for and obtained a valid
2 certificate under s. 73.03 (50) and a salesperson's permit. No person shall authorize
3 another person to sell cigarettes or solicit cigarette sales in this state unless the
4 person has filed an application for and obtained a valid certificate under s. 73.03 (50)
5 and a valid permit under s. 139.34. The department shall issue the required number
6 of permits to ~~manufacturers and~~ permittees who hold a valid certificate issued under
7 s. 73.03 (50). Each application for a permit shall disclose the name and address of
8 the employer and such permit shall remain effective only while the salesperson
9 represents such named employer. If such salesperson is thereafter employed by
10 another ~~manufacturer or permittee~~ person, the salesperson shall obtain a new
11 salesperson's permit. Each ~~manufacturer and~~ permittee shall notify the department
12 within 10 days after the resignation or dismissal of any such salesperson holding a
13 permit.

14 **SECTION 315cf.** 139.38 (1) of the statutes is amended to read:

15 139.38 (1) Every manufacturer located out of the state shall keep records of all
16 sales of cigarettes shipped into this state. Every manufacturer located in the state
17 shall keep records of production, sales and withdrawals of cigarettes. Every
18 distributor and direct marketer shall keep records of purchases and sales of
19 cigarettes. Every manufacturer, direct marketer, and distributor holding a permit
20 from the secretary with the right to purchase and apply stamps shall also keep
21 records of purchases and disposition of stamps. Every jobber, multiple retailer, and
22 vending machine operator shall keep records of all purchases and disposition of
23 cigarettes. Every warehouse operator shall keep records of receipts and withdrawals
24 of cigarettes. All such records shall be accurate and complete and be kept in a
25 manner prescribed by the secretary. These records shall be preserved on the

1 premises described in the permit or license in such a manner as to ensure
2 permanency and accessibility for inspection at reasonable hours by authorized
3 personnel of the department.

4 **SECTION 315cg.** 139.38 (1m) of the statutes is created to read:

5 139.38 (1m) Records of purchases and sales of cigarettes under sub. (1) that
6 are kept by direct marketers shall indicate, for each shipment of cigarettes into this
7 state in the month preceding the report under sub. (2), the invoice date and number;
8 the quantity of cigarettes shipped; the brand name of the cigarettes shipped; the
9 manufacturer of the cigarettes shipped and the manufacturer's origin; the
10 purchaser's name, address, and birth date; the name of the person to whom the
11 cigarettes were shipped; the address to which the cigarettes were shipped; and any
12 other information the department requires.

13 **SECTION 315ch.** 139.38 (2) of the statutes is amended to read:

14 139.38 (2) (a) Except as provided in par. (b), every permittee manufacturer,
15 distributor, jobber, and direct marketer shall render a true and correct invoice of
16 every sale of cigarettes ~~at wholesale~~ and every permittee shall on or before the 15th
17 day of each calendar month file a verified report of all cigarettes purchased, sold,
18 received, warehoused or withdrawn during the preceding calendar month.

19 (b) The department may allow any jobber, multiple retailer, direct marketer,
20 or vending machine operator permittee who does not sell cigarettes, except for those
21 on which the tax under this chapter is paid, to file a quarterly report. The quarterly
22 report shall be filed on or before the 15th day of the next month following the close
23 of each calendar quarter. The report shall specify the number of cigarettes purchased
24 and sold during the preceding calendar quarter.

25 **SECTION 315ci.** 139.395 of the statutes is amended to read:

1 **139.395 Theft of tax moneys.** All cigarette tax moneys received by a
2 distributor, direct marketer, or manufacturer for the sale of cigarettes on which the
3 tax under this subchapter has become due and has not been paid are trust funds in
4 the hands of the distributor, direct marketer, or manufacturer and are the property
5 of this state. Any distributor, direct marketer, or manufacturer who fraudulently
6 withholds, appropriates or otherwise uses cigarette tax moneys that are the property
7 of this state is guilty of theft under s. 943.20 (1), whether or not the distributor, direct
8 marketer, or manufacturer has or claims to have an interest in those moneys.

9 **SECTION 315cj.** 139.40 (2) of the statutes is amended to read:

10 139.40 (2) ~~If cigarettes which do not bear the proper tax stamps or on which~~
11 ~~the tax has not been paid~~ Cigarettes that are so seized they as provided under sub.
12 (1) may be given to law enforcement officers to use in criminal investigations or sold
13 to qualified buyers by the secretary, without notice. If the cigarettes are sold, after
14 deducting the costs of the sale and the keeping of storing the property, the proceeds
15 of the sale shall be paid into the state treasury, except that proceeds from the sale
16 of cigarettes seized from a direct marketer and obtained through the administration
17 of this subsection shall be credited to the appropriation account under s. 20.566 (1)
18 (gc). If the secretary finds that such cigarettes may deteriorate or become unfit for
19 use in criminal investigations or for sale or that those uses would otherwise be
20 impractical, the secretary may order them destroyed or give them to a charitable or
21 penal institution for free distribution to patients or inmates.”.

22 **382.** Page 167, line 16: after that line insert:

23 **SECTION 312m.** 134.71 (12) of the statutes is amended to read:

1 134.71 **(12)** APPLICATIONS AND FORMS. The department of agriculture, trade and
2 consumer protection, in consultation with the department of justice, shall develop
3 applications and other forms required under subs. (5) (intro.) and (8) (c). The
4 department of agriculture, trade and consumer protection shall print a sufficient
5 number of applications and forms to provide to counties and municipalities for
6 distribution to pawnbrokers, secondhand article dealers and secondhand jewelry
7 dealers at no cost.

8 **SECTION 314m.** 136.03 (title) of the statutes is amended to read:

9 **136.03** (title) **Duties of the department of agriculture, trade and**
10 **consumer protection justice.**

11 **SECTION 314p.** 136.03 (1) (intro.) of the statutes is amended to read:

12 136.03 **(1)** (intro.) The department of ~~agriculture, trade and consumer~~
13 ~~protection~~ of justice shall investigate violations of this chapter and of rules and
14 orders issued under s. 136.04. The department of justice may subpoena persons and
15 records to facilitate its investigations, and may enforce compliance with such
16 subpoenas as provided in s. 885.12. The department of justice may ~~in~~ on behalf of
17 the state:

18 **SECTION 314r.** 136.04 of the statutes is amended to read:

19 **136.04 Powers of the department of agriculture, trade and consumer**
20 **protection justice.** **(1)** The department of ~~agriculture, trade and consumer~~
21 ~~protection~~ justice may adopt such rules as may be required to carry out the purposes
22 of this chapter.

23 **(2)** The department of ~~agriculture, trade and consumer protection~~ justice after
24 public hearing may issue general or special orders to carry out the purposes of this

1 chapter and to determine and prohibit unfair trade practices in business or unfair
2 methods of competition in business pursuant to s. 100.20 (2) to (4).”.

3 **383.** Page 168, line 9: after that line insert:

4 “**SECTION 318b.** 139.44 (3) of the statutes is amended to read:

5 139.44 (3) Any permittee who fails to keep the records required by ss. 139.30
6 to 139.42 or 139.77 to 139.82 shall be fined not less than \$100 \$500 nor more than
7 \$500 \$1,000 for the first offense and shall be fined not less than \$1,000 nor more than
8 \$5,000 or imprisoned not more than ~~6 months~~ 180 days or both for the 2nd or
9 subsequent offense.

10 **SECTION 318c.** 139.44 (4) of the statutes is amended to read:

11 139.44 (4) Any person who refuses to permit the examination or inspection
12 authorized in s. 139.39 (2) or 139.83 may be fined not ~~more~~ less than \$500 nor more
13 than \$1,000 or imprisoned not more than ~~90~~ 180 days or both. Such refusal shall be
14 cause for immediate suspension or revocation of permit by the secretary.

15 **SECTION 318dm.** 139.44 (6m) of the statutes is created to read:

16 139.44 (6m) Any person who manufactures or sells cigarettes in this state
17 without holding the proper permit issued under this subchapter shall be fined not
18 less than \$1,000 nor more than \$10,000 or imprisoned not less than 6 months nor
19 more than 2 years or both.

20 **SECTION 318dn.** 139.44 (6m) of the statutes, as created by 2001 Wisconsin Act
21 (this act), is amended to read:

22 139.44 (6m) Any person who manufactures or sells cigarettes in this state
23 without holding the proper permit issued under this subchapter ~~shall be fined not~~

1 ~~less than \$1,000 nor more than \$10,000 or imprisoned not less than 6 months nor~~
2 ~~more than 2 years or both~~ is guilty of a Class I felony.

3 **SECTION 318e.** 139.44 (7) of the statutes is amended to read:

4 139.44 (7) In addition to the penalties imposed for violation of ss. 139.30 to
5 139.41 or 139.75 to 139.83 or any of the rules of the department, the permit of any
6 person convicted of a 2nd or subsequent offense shall be automatically revoked and,
7 he or she shall not be granted another permit for a period of ~~2~~ 5 years following such
8 revocation, and, for the 5-year period following revocation, he or she shall not act as
9 the employee or agent of a permittee under this subchapter to perform acts
10 authorized by any permit issued to the permittee under this subchapter.”.

11 **384.** Page 168, line 10: delete lines 10 to 13 and substitute:

12 “**SECTION 318z.** 139.44 (8) (a) to (c) of the statutes are amended to read:

13 139.44 (8) (a) If the number of cigarettes does not exceed 6,000, a fine of not
14 more than \$200 \$1,000 or imprisonment for not more than ~~6 months~~ one year in the
15 county jail or both.

16 (b) If the number of cigarettes exceeds 6,000 but does not exceed 36,000, ~~a fine~~
17 ~~of not more than \$1,000 or imprisonment for not more than one year in the county~~
18 ~~jail or both~~ the person is guilty of a Class I felony.

19 (c) If the number of cigarettes exceeds 36,000, ~~a fine of not more than \$10,000~~
20 ~~or imprisonment for not more than 3 years or both~~ the person is guilty of a Class H
21 felony.”.

22 **385.** Page 168, line 14: before that line insert:

23 “**SECTION 319b.** 139.45 of the statutes is amended to read:

1 **139.45 Prosecutions by attorney general.** Upon request by the secretary
2 of revenue, the attorney general may represent this state or assist a district attorney
3 in prosecuting any case arising under this subchapter or under ss. 134.65 and 134.66.

4 **SECTION 319c.** 139.75 (2) of the statutes is amended to read:

5 139.75 (2) “Consumer” means any individual who receives tobacco products for
6 his or her personal use or consumption or any person individual who has title to or
7 possession of tobacco products ~~in storage for use or other consumption in this state~~
8 any purpose other than for sale or resale.

9 **SECTION 319d.** 139.75 (3g) of the statutes is created to read:

10 139.75 (3g) “Direct marketer” means any person who solicits or sells tobacco
11 products to consumers in this state by direct marketing.

12 **SECTION 319e.** 139.75 (3r) of the statutes is created to read:

13 139.75 (3r) “Direct marketing” means publishing or making accessible an offer
14 for the sale of tobacco products to consumers in this state, or selling tobacco products
15 to consumers in this state, using any means by which the consumer is not physically
16 present at the time of sale on a premise that sells tobacco products.

17 **SECTION 319f.** 139.75 (4) (a) of the statutes is amended to read:

18 139.75 (4) (a) Any person in this state engaged in the business of selling tobacco
19 products ~~in this state~~ who brings, or causes to be brought, into this state from outside
20 the state any tobacco products for sale;

21 **SECTION 319g.** 139.75 (4) (c) of the statutes is amended to read:

22 139.75 (4) (c) Any person outside this state engaged in the business of selling
23 tobacco products ~~outside this state~~ who ships or transports tobacco products to
24 retailers in this state to be sold by those retailers.

25 **SECTION 319h.** 139.75 (4) (cm) of the statutes is created to read:

1 139.75 (4) (cm) Any person outside this state engaged in the business of selling
2 tobacco products who ships or transports tobacco products to consumers in this state.

3 **SECTION 319i.** 139.75 (5s) of the statutes is created to read:

4 139.75 (5s) “Person” means any individual, sole proprietorship, partnership,
5 limited liability company, corporation, or association, or any owner of a single-owner
6 entity that is disregarded as a separate entity under ch. 71.

7 **SECTION 319j.** 139.75 (7) of the statutes is amended to read:

8 139.75 (7) “Retail outlet” means each place of business from which tobacco
9 products are sold to consumers by a retailer.

10 **SECTION 319k.** 139.75 (8) of the statutes is amended to read:

11 139.75 (8) “Retailer” means any person ~~engaged in the business of selling~~
12 ~~tobacco products~~ who sells, exposes for sale, or possesses with intent to sell, to
13 ~~ultimate consumers~~ any tobacco products by any means in which the consumer is
14 physically present at the time of sale on a premises that sells tobacco products.

15 **SECTION 319L.** 139.76 (3) of the statutes is created to read:

16 139.76 (3) Except as provided in sub. (2), no person may possess tobacco
17 products in this state unless the tax imposed under sub. (1) is paid on such tobacco
18 products.

19 **SECTION 319m.** 139.78 (1m) of the statutes is created to read:

20 139.78 (1m) Except as provided in s. 139.76 (2), no person other than a
21 distributor with a valid permit under s. 139.79 may import into this state tobacco
22 products for which the tax imposed under s. 139.76 (1) has not been paid.

23 **SECTION 319n.** 139.79 (title) of the statutes is amended to read:

24 **139.79 (title) Permits; distributor; direct marketer; subjobber.**

25 **SECTION 319p.** 139.79 (1) of the statutes is amended to read:

1 139.79 (1) No person may engage in the business of a distributor, direct
2 marketer, or subjobber of tobacco products at any place of business unless that
3 person has filed an application for and obtained a permit from the department to
4 engage in that business at such place.

5 **SECTION 319q.** 139.79 (2) of the statutes is amended to read:

6 139.79 (2) Section 139.34 (1) ~~(b)~~ (c) to (f), (4) and (9) applies to the permits under
7 this section.

8 **SECTION 319r.** 139.795 of the statutes is created to read:

9 **139.795 Direct marketing.** (1) (a) No person may sell tobacco products by
10 direct marketing to consumers in this state as a direct marketer or solicit sales of
11 tobacco products to consumers in this state by direct marketing unless the person has
12 obtained a permit from the department to make such sales or solicitations. The
13 person shall file an application for a permit under this subsection with the
14 department, in the manner prescribed by the department, and shall submit a \$500
15 fee with the application.

16 (b) No person may be issued a permit under this subsection unless the person
17 holds a valid distributor's permit under s. 139.79. Section 139.34 (1) (c) to (f), (7), and
18 (9), as it applies to permits issued under s. 139.34, applies to permits issued under
19 this subsection.

20 (c) A permit issued under this subsection expires on December 31 of each year.

21 (d) No person may be issued a permit under this subsection unless the person
22 certifies to the department, in the manner prescribed by the department, that all
23 tobacco product sales to consumers in this state shall be credit card or personal check
24 transactions; that the invoice for all shipments of tobacco product sales from the
25 person shall bear the person's name and address and the permit number of the

1 permit ultimately issued under this subsection; and that the person shall provide the
2 department any information the department considers necessary to administer this
3 section.

4 **(2)** No person may sell tobacco products to consumers in this state by direct
5 marketing unless the tax imposed under s. 139.76, and under s. 77.52 or 77.53, has
6 been paid with regard to such products.

7 **(3)** No person may sell tobacco products to a consumer in this state by direct
8 marketing unless the person verifies the consumer's identity and that the consumer
9 is at least 18 years of age by any of the following methods:

10 (a) The person uses a database, approved by the department, that includes
11 information based on public records to verify the consumer's age and identity.

12 (b) The person receives from the consumer, at the time of purchase, a notarized
13 copy of a government issued identification, the name specified on the identification
14 matches the name of the consumer, and the birth date on the identification verifies
15 that the purchaser is at least 18 years of age. In this paragraph, "government issued
16 identification" includes a valid driver's license, state identification card, passport, or
17 military identification.

18 (c) The person uses a mechanism, other than a mechanism under par. (a) or (b),
19 for verifying the age and identity of a consumer that is approved by the department.

20 **(4)** Any person who, without having a valid permit under sub. (1), sells or
21 solicits sales of tobacco products to consumers in this state by direct marketing shall
22 pay a penalty to the department of \$5,000 or an amount that is equal to 50% of the
23 tax due on the tobacco products the person sold, without having a valid permit under
24 sub. (1), to consumers in this state by direct marketing, whichever is greater.

1 **(5)** No tobacco products may be shipped or delivered to a person who is under
2 18 years of age and no tobacco products may be shipped to a post-office box.

3 **(6)** All revenue collected from permits and penalties under this section shall
4 be credited to the appropriation account under s. 20.566 (1) (gc) to enforce and
5 administer this section.

6 **SECTION 319s.** 139.81 (1) of the statutes is amended to read:

7 139.81 **(1)** No person may sell ~~or take orders for~~ tobacco products for resale or
8 solicit sales of tobacco products in this state ~~for any manufacturer or permittee~~
9 unless the person has filed an application for and obtained a valid certificate under
10 s. 73.03 (50) and a salesperson's permit from the department. ~~No manufacturer or~~
11 ~~permittee shall authorize any person to sell or take orders for tobacco products or~~
12 solicit sales of tobacco products in this state unless the person has filed an application
13 for and obtained a valid certificate under s. 73.03 (50) and a salesperson's permit.
14 No person shall authorize another person to sell tobacco products or solicit sales of
15 tobacco products in this state unless the person has filed an application for and
16 obtained a valid certificate under s. 73.03 (50) and a valid permit under s. 139.79.

17 Each application for a permit shall disclose the name and address of the employer
18 and shall remain effective only while the salesperson represents the named
19 employer. If the salesperson is thereafter employed by another ~~manufacturer or~~
20 ~~permittee~~ person the salesperson shall obtain a new salesperson's permit. Each
21 ~~manufacturer and permittee shall notify the department within 10 days after the~~
22 resignation or dismissal of any salesperson holding a permit.

23 **SECTION 319t.** 139.81 (2) of the statutes is amended to read:

24 139.81 **(2)** Section 139.34 (1) ~~(b)~~ (c) to (e) applies to the permits under this
25 section.”.

1 **386.** Page 170, line 15: after that line insert:

2 “**SECTION 329r.** 146.50 (4) (title) of the statutes is amended to read:

3 146.50 **(4)** (title) AMBULANCE STAFFING AND OPERATIONAL PLANS; LIMITATIONS;
4 RULES.

5 **SECTION 329s.** 146.50 (4) (c) of the statutes is renumbered 146.50 (4) (c) (intro.)
6 and amended to read:

7 146.50 **(4)** (c) (intro.) Notwithstanding par. (a), the department may
8 promulgate rules that establish standards for approval by the department of
9 operational plans for the staffing of ambulances in which the primary services
10 provided are those which an emergency medical technician – intermediate is
11 authorized to provide or those which an emergency medical technician – paramedic
12 is authorized to provide. Rules promulgated by the department under this
13 paragraph may permit the department to approve an operational plan, for services
14 that an emergency medical technician–paramedic is authorized to provide, that is
15 submitted by an ambulance service provider that provided these services before
16 January 1, 2000, only if the operational plan specifies all of the following for the
17 transport of a patient in a prehospital setting:

18 **SECTION 329t.** 146.50 (4) (c) 1. of the statutes is created to read:

19 146.50 **(4)** (c) 1. That the ambulance service provider ensures, in writing, that
20 the ambulance is staffed with at least 2 emergency medical technicians–paramedic,
21 licensed registered nurses, licensed physician assistants, or physicians or a
22 combination of any 2 of these, who are trained in the use of all skills authorized by
23 rule for an emergency medical technician–paramedic and are designated by the
24 medical director of the ambulance service.

1 **SECTION 329u.** 146.50 (4) (c) 2. of the statutes is created to read:

2 146.50 **(4)** (c) 2. That the ambulance staff, as specified in subd. 1., is dispatched
3 from the same site, together, to the scene of an emergency. This subdivision does not
4 apply if the ambulance service provider, as of October 1, 2001, dispatched ambulance
5 staff from multiple sites to the scene of an emergency.

6 **SECTION 329v.** 146.50 (4) (c) 3. of the statutes is created to read:

7 146.50 **(4)** (c) 3. That if an emergency medical technician–paramedic arrives
8 at the scene of an emergency prior to the arrival of the ambulance staff, as specified
9 in subd. 1., the emergency medical technician–paramedic may provide services using
10 all skills authorized by rule for an emergency medical technician–paramedic.”.

11 **387.** Page 171, line 12: after that line insert:

12 “**SECTION 333h.** 146.50 (13) (a) of the statutes is amended to read:

13 146.50 **(13)** (a) The department may promulgate rules necessary for
14 administration of this section, as limited under sub. (4) (c).”.

15 **388.** Page 172, line 10: after that line insert:

16 “**SECTION 336g.** 146.83 (1) (b) of the statutes is amended to read:

17 146.83 **(1)** (b) Receive a copy of the patient’s health care records upon payment
18 of reasonable ~~costs~~ fees, as established by rule under sub. (3m).

19 **SECTION 336h.** 146.83 (1) (c) of the statutes is amended to read:

20 146.83 **(1)** (c) Receive a copy of the health care provider’s X–ray reports or have
21 the X–rays referred to another health care provider of the patient’s choice upon
22 payment of reasonable ~~costs~~ fees, as established by rule under sub. (3m).

23 **SECTION 336i.** 146.83 (3m) of the statutes is created to read:

1 **SECTION 336q.** 150.93 (1) of the statutes is renumbered 150.935 (1).

2 **SECTION 336r.** 150.93 (2) to (5) of the statutes are repealed.

3 **SECTION 336rd.** 150.935 of the statutes is created to read:

4 **150.935 Limitations on hospitals and ambulatory surgery centers. (2)**

5 As a condition of hospital approval under s. 50.35, no person may, by or on behalf of
6 a hospital, do any of the following:

7 (a) Increase, or obligate for a capital expenditure to increase, the number of
8 approved beds of the hospital that are available on the effective date of this
9 paragraph [revisor inserts date].

10 (b) Expand an existing service of the hospital, unless the primary purpose of
11 the expanded service is to provide free or reduced-cost health or dental care to
12 individuals who are determined by the department to be underserved or to have low
13 income.

14 (c) Engage in construction, except for the purpose of any of the following:

15 1. Consolidation of hospitals, if the consolidation does not increase the number
16 of available beds of the hospitals.

17 2. As a response to damage caused by a natural disaster, including an
18 earthquake, or by a fire.

19 3. To eliminate a threat to the safety to patients, staff, or the general public that
20 is due to a physical defect of the hospital.

21 (d) 1. Before January 1, 2003, engage in upgrading renovation, except for
22 routine maintenance or maintenance to eliminate a threat to the safety of patients,
23 staff, or the general public that is due to a physical defect of the hospital.

24 2. If a hospital seeks an opinion from the department concerning whether a
25 proposed project of the hospital violates subd. 1., the department shall issue the

1 opinion. If the hospital, after completing the project, is found to be in violation of
2 subd. 1., the violation does not affect the status of the hospital's approval under s.
3 50.35 unless the actual, completed project differs materially from the proposed
4 project for which the department issued an opinion.

5 **(3)** As a condition of hospital approval under s. 50.35, a hospital shall do all of
6 the following:

7 (a) If the hospital is certified under s. 49.45 (2) (a) 11. as a provider of medical
8 assistance or certified as a provider of services under medicare, as defined in s. 49.45
9 (3) (L) 1. b., or if the hospital obtains this certification, accept as patients individuals
10 who are medical assistance recipients or medicare beneficiaries.

11 (b) Operate a 24-hour emergency room or, for a hospital approved under s.
12 50.35 as of the effective date of this paragraph [revisor inserts date], have in effect
13 an agreement with another hospital with a 24-hour emergency room under which
14 that other hospital consents to receive patients in need of emergency care that are
15 transferred to it by the hospital that does not operate a 24-hour emergency room.
16 This paragraph does not apply to a hospital that is an inpatient facility, as defined
17 in s. 51.01 (10) or that is certified under s. 49.45 (2) (a) 11. as a rehabilitation hospital.

18 **(4)** No person may, by or on behalf of an ambulatory surgery center, do any of
19 the following:

20 (a) Expand an existing service of the ambulatory surgery center unless the
21 primary purpose of the new service is to provide free or reduced-cost health or dental
22 care to individuals who are determined by the department to be underserved or to
23 have low income.

24 (b) Engage in construction, except for the purposes of any of the following:

1 1. As a response to damage caused by a natural disaster, including an
2 earthquake, or by a fire.

3 2. To eliminate a threat to the safety of patients, staff, or the general public that
4 is due to a physical defect of the ambulatory surgery center.

5 (c) 1. Before January 1, 2003, engage in upgrading renovation, except for
6 routine maintenance or maintenance to eliminate a threat to the safety of patients,
7 staff, or the general public that is due to a physical defect of the ambulatory surgery
8 center.

9 2. If an ambulatory surgery center seeks an opinion from the department
10 concerning whether a proposed project of the ambulatory surgery center violates
11 subd. 1., the department shall issue the opinion. If the opinion of the department is
12 that the proposed project does not violate subd. 1., an ambulatory surgery center,
13 after completing the project, may not be found to be in violation of subd. 1. unless the
14 actual, completed project differs materially from the proposed project for which the
15 department issued the opinion.

16 **(5)** If an ambulatory surgery center is certified under s. 49.45 (2) (a) 11. as a
17 provider of medical assistance or certified as a provider of services under medicare,
18 as defined in s. 49.45 (3) (L) 1. b., or if an ambulatory surgery center obtains this
19 certification, the ambulatory surgery center shall accept as patients individuals who
20 are medical assistance recipients or medicare beneficiaries.

21 **(6)** The department shall promulgate as a rule a definition of “upgrading
22 renovation,” for the purposes of subs. (2) (d) 1. and (4) (c) 1.

23 **(7)** The department may, under s. 50.35, revoke or suspend approval for a
24 hospital that violates sub. (2) or fails to comply with sub. (3) or 2002 Wisconsin Act

1 (this act), section 9123 (5qr), after giving reasonable notice, a fair hearing, and,
2 if appropriate as determined by the department, a reasonable opportunity to comply.

3 **SECTION 336rf.** 150.935 (2) (d) 1. of the statutes, as created by 2001 Wisconsin
4 Act (this act), is amended to read:

5 150.935 (2) (d) 1. ~~Before January 1, 2003, engage Engage in upgrading~~
6 ~~renovation, as defined by rule by the department,~~ except for routine maintenance or
7 maintenance to eliminate a threat to the safety of patients, staff, or the general
8 public that is due to a physical defect of the hospital.”.

9 **SECTION 336rh.** 150.935 (4) (c) 1. of the statutes, as created by 2001 Wisconsin
10 Act (this act), is amended to read:

11 150.935 (4) (c) 1. ~~Before January 1, 2003, engage Engage in upgrading~~
12 ~~renovation, as defined by rule by the department,~~ except for routine maintenance or
13 maintenance to eliminate a threat to the safety of patients, staff, or the general
14 public that is due to a physical defect of the ambulatory surgery center.

15 **SECTION 336rL.** 150.935 (7) of the statutes, as created by 2001 Wisconsin Act
16 (this act), is amended to read:

17 150.935 (7) The department may, under s. 50.35, revoke or suspend approval
18 for a hospital that violates sub. (2) or fails to comply with sub. (3) ~~or 2002 Wisconsin~~
19 ~~Act (this act), section 9123 (5qr), after giving reasonable notice, a fair hearing,~~
20 and, if appropriate as determined by the department, a reasonable opportunity to
21 comply.”.

22 **391.** Page 173, line 16: after that line insert:

23 “**SECTION 388nc.** 160.257 of the statutes is created to read:

1 **160.257 Exceptions for aquifer storage and recovery systems. (1)** In
2 this section:

3 (a) “Aquifer storage and recovery system” means all of the aquifer storage and
4 recovery wells and related appurtenances that are part of a municipal water system.

5 (b) “Aquifer storage and recovery well” means a well through which treated
6 drinking water is placed underground for the purpose of storing and later recovering
7 the water through the same well for use as drinking water.

8 (c) “Municipal water system” means a community water system, as defined in
9 s. 281.62 (1) (a), that is owned by a city, village, town, county, town sanitary district,
10 utility district, public inland lake protection and rehabilitation district, or municipal
11 water district, or by a privately owned water utility serving any of the foregoing.

12 (d) “Specified substance” means one of the following:

- 13 1. Chloroform.
- 14 2. Bromodichloromethane.
- 15 3. Dibromochloromethane.
- 16 4. Bromoform.

17 (e) “Treated drinking water” means potable water that has been treated so that
18 it complies with the primary drinking water standards promulgated under ss. 280.11
19 and 281.17 (8).

20 **(2)** Notwithstanding s. 160.19 (1) and (2), the department is not required to
21 promulgate or amend rules that define design or management criteria for aquifer
22 storage and recovery systems to minimize the amount of a specified substance in
23 groundwater or to maintain compliance with the preventive action limit for a
24 specified substance, however, the department shall promulgate rules that define
25 design or management criteria for aquifer storage and recovery systems to maintain

1 compliance with drinking water standards promulgated under ss. 280.11 and 281.17
2 (8).

3 (3) Notwithstanding s. 160.21 (2), the point of standards application for an
4 aquifer storage and recovery well with respect to a specified substance is 1,200 feet
5 from the aquifer storage and recovery well and at any other well that is within 1,200
6 feet from the aquifer storage and recovery well.”.

7 **392.** Page 173, line 16: after that line insert:

8 “SECTION 338r. 165.755 (1) (b) of the statutes is amended to read:

9 165.755 (1) (b) A court may not impose the crime laboratories and drug law
10 enforcement assessment under par. (a) for a violation of s. 101.123 (2) (a), (am) 1., (ar)
11 or (bm) or (5) (b) or for a violation of a state law or municipal or county ordinance
12 involving a nonmoving traffic violation, a headlamp violation under s. 347.065 (1),
13 or a safety belt use violation under s. 347.48 (2m).”.

14 **393.** Page 173, line 16: after that line insert:

15 “SECTION 338g. 165.065 (2) of the statutes is amended to read:

16 165.065 (2) The assistant attorney general in charge of antitrust investigations
17 and prosecutions is to cooperate actively with the antitrust division of the U.S.
18 department of justice in everything that concerns monopolistic practices in
19 Wisconsin, and also to cooperate actively with the department of agriculture, trade
20 and consumer protection in the work which this agency is carrying on ~~under s. 100.20~~
21 ~~of the marketing law~~ with regard to monopolistic practices in the field of agriculture
22 and with the federal trade commission on matters arising in or affecting Wisconsin
23 which pertain to its jurisdiction.

1 **SECTION 338m.** 165.25 (4) (ar) of the statutes, as affected by 2001 Wisconsin
2 Act 16, section 2856b, is amended to read:

3 165.25 (4) (ar) The department of justice shall ~~furnish all legal services~~
4 ~~required by~~ represent the department of agriculture, trade and consumer protection
5 in any court action relating to the enforcement of ss. ~~100.171, 100.173, 100.174,~~
6 ~~100.175, 100.177, 100.18, 100.182, 100.20, 100.205, 100.207, 100.209, 100.21,~~
7 ~~100.28, 100.37, 100.42, 100.50 and 100.51 and chs. 126, 136, 344, 704, 707, and 779~~
8 ch. 126 and 100.01 to 100.03, 100.05 to 100.07, 100.14, 100.183 to 100.19, 100.201,
9 100.22, 100.235, 100.27, 100.285 to 100.297, 100.33 to 100.36, 100.45, 100.47, and
10 100.48, together with any other services as are necessarily connected to the legal
11 services.

12 **SECTION 338r.** 165.25 (11) of the statutes is created to read:

13 165.25 (11) CONSUMER PROTECTION ADMINISTRATION AND ENFORCEMENT.
14 Administer and enforce ss. 100.15 to 100.182, 100.20, 100.205, 100.207 to 100.2095,
15 100.28, 100.31, 100.37 to 100.44, 100.46, 100.50, and 100.52 and chs. 136, 344, 704,
16 707, and 779. The department may issue general or special orders in administering
17 and enforcing these provisions.”.

18 **394.** Page 173, line 16: after that line insert:

19 “**SECTION 338dg.** 165.055 (1) of the statutes is renumbered 165.055 and
20 amended to read:

21 **165.055 Appointments.** The attorney general may appoint ~~a deputy attorney~~
22 ~~general and assistants~~ assistant attorneys general, each of whom shall be an
23 attorney at law admitted to practice in this state. Such appointments shall be made
24 in writing and filed in the office of the secretary of state, and such appointees shall

1 take and subscribe the constitutional oath of office which shall also be filed.

2 Appointees shall perform such duties as the attorney general prescribes.

3 **SECTION 338dh.** 165.055 (2) of the statutes is repealed.

4 **SECTION 338di.** 165.055 (4) of the statutes is repealed.”.

5 **395.** Page 176, line 3: after that line insert:

6 “**SECTION 340e.** 166.08 (4) (a) of the statutes is amended to read:

7 166.08 (4) (a) All state officers, subject to such regulations as the governor, or
8 other official authorized under the constitution or this section to exercise the powers
9 and discharge the duties of the office of governor, may issue, shall, ~~in addition to any~~
10 ~~deputy authorized to exercise all of the powers and discharge the duties of the office,~~
11 designate by title emergency interim successors and specify their order of succession.
12 The officer shall review and revise, as necessary, designations made pursuant to this
13 section to ensure their current status. The officer shall designate a sufficient number
14 of emergency interim successors so that there will be not less than 3 nor more than
15 7 ~~deputies or~~ emergency interim successors ~~or any combination of deputies or~~
16 ~~emergency interim successors,~~ at any time.

17 **SECTION 340m.** 166.08 (4) (b) (intro.) of the statutes is amended to read:

18 166.08 (4) (b) (intro.) If any state officer is unavailable following an attack, ~~and~~
19 ~~if his or her deputy, if any, is also unavailable,~~ the powers of his or her office shall be
20 exercised and the duties of his or her office shall be discharged by his or her
21 designated emergency interim successors in the order specified. The emergency
22 interim successor shall exercise the powers and discharge the duties of the office only
23 until any of the following occurs:

24 **SECTION 340r.** 166.08 (4) (b) 3. of the statutes is amended to read:

1 166.08 (4) (b) 3. An officer, ~~the officer's deputy~~ or a preceding named emergency
2 interim successor becomes available to exercise, or resume the exercise of, the powers
3 and discharge the duties of the office.”.

4 **396.** Page 176, line 20: after that line insert:

5 “**SECTION 342pb.** 174.001 (2j) of the statutes is created to read:

6 174.001 (2j) “Intergovernmental commission” means an intergovernmental
7 commission formed by contract under s. 66.0301 (2) by all of the municipalities in a
8 county with a population of 500,000 or more for the purpose of providing animal
9 control services.

10 **SECTION 342pd.** 174.052 of the statutes is amended to read:

11 **174.052 Publication of the dog license requirement and rabies**
12 **vaccination requirement. (1) JANUARY NOTICE.** ~~The Except as provided in sub.~~
13 ~~(3), the~~ county board of each county shall cause a class 1 notice under ch. 985 to be
14 published between January 1 and January 15 of each year in a newspaper having
15 general circulation in the county notifying the public that rabies vaccinations and
16 dog licenses are required under the statutes.

17 **(2) MARCH NOTICE.** ~~The Except as provided in sub. (3), the~~ county board of each
18 county shall cause a class 1 notice under ch. 985 to be published between March 1
19 and March 15 of each year in a newspaper having general circulation in the county
20 notifying the public that rabies vaccinations and dog licenses are required under the
21 statutes and that late fees may be assessed after April 1.

22 **SECTION 342pf.** 174.052 (3) of the statutes is created to read:

1 174.052 **(3)** NOTICE IN CERTAIN POPULOUS COUNTIES. In a county in which an
2 agreement under s. 174.10 (2) is in effect, the intergovernmental commission shall
3 cause the notices under subs. (1) and (2) to be published.

4 **SECTION 342ph.** 174.06 (3) of the statutes is renumbered 174.06 (3) (a) and
5 amended to read:

6 174.06 **(3)** (a) ~~A~~ Except as provided in par. (b), a listing official who is not a
7 full-time, salaried municipal employee shall receive as compensation 50 cents for
8 each dog listed, or a greater amount established by the county board by ordinance
9 or resolution, to be audited and allowed by the county board as other claims against
10 the county and to be paid out of the dog license fund. A listing official who is a
11 full-time, salaried municipal employee shall receive this compensation from the
12 county board but shall be required to pay the compensation into the town, village,
13 or city treasury.

14 **SECTION 342pj.** 174.06 (3) (b) of the statutes is created to read:

15 174.06 **(3)** (b) In a county in which an agreement under s. 174.10 (2) is in effect,
16 the intergovernmental commission shall pay the compensation required under par.
17 (a).

18 **SECTION 342L.** 174.065 (1) of the statutes, as affected by 2001 Wisconsin Act
19 16, is amended to read:

20 174.065 **(1)** COLLECTING OFFICIAL. The collecting official is any city, village, or
21 town treasurer or other tax collecting officer or any person deputized by the treasurer
22 or tax collecting official, unless the common council or village or town board provides
23 by ordinance or resolution for the appointment of a different person. Veterinarians
24 and humane societies may voluntarily become collecting officials for a city, village,
25 or town if the governing body of the city, village, or town by resolution or ordinance

1 provides that veterinarians and humane societies may be collecting officials for the
2 city, village, or town. In a county in which an agreement under s. 174.10 (2) is in
3 effect, the intergovernmental commission is also a collecting official for a city, village,
4 or town if the governing body of the city, village, or town by resolution or ordinance
5 provides that the intergovernmental commission is a collecting official.

6 **SECTION 342pn.** 174.07 (2) (e) of the statutes is created to read:

7 174.07 (2) (e) Notwithstanding pars. (a) to (d), in a county in which an
8 agreement under s. 174.10 (2) is in effect, all of the following apply:

9 1. The department shall provide tags and, upon request, license blanks to the
10 intergovernmental commission, rather than to the county clerk.

11 2. The intergovernmental commission shall pay the costs out of the dog license
12 fund.

13 3. The intergovernmental commission shall distribute tags and license blanks
14 to the other collecting officials.

15 **SECTION 342pp.** 174.07 (3) (b) of the statutes is amended to read:

16 174.07 (3) (b) *Return of tags and licenses.* ~~The Except as provided in par. (bm).~~
17 the collecting official shall annually by December 31 return to the county clerk all
18 unused tags of the current license year, together with license books and all duplicate
19 licenses of the current year. The county clerk shall carefully check the returned tags,
20 duplicate licenses, and license blanks to ascertain whether all tags and license
21 blanks which were furnished by the county clerk have been accounted for, ~~and to.~~
22 To enable the county clerk to do that, the county clerk shall charge each collecting
23 official with all tags and blank licenses furnished or delivered and credit those
24 returned. In case of discrepancy, the county clerk shall notify the department.

25 **SECTION 342pr.** 174.07 (3) (bm) of the statutes is created to read:

1 174.07 (3) (bm) *Certain populous counties.* In a county in which an agreement
2 under s. 174.10 (2) is in effect, a collecting official who is not the intergovernmental
3 commission shall return unused tags, license books, and duplicate licenses to the
4 intergovernmental commission.

5 **SECTION 342pt.** 174.08 of the statutes is renumbered 174.08 (1) and amended
6 to read:

7 174.08 (1) ~~Every~~ Except as provided in sub. (2), every collecting official shall
8 pay all dog license taxes to the town, village, or city treasurer or other tax collecting
9 officer who shall deduct any additional tax ~~which~~ that may have been levied by the
10 municipal governing body and pay the remainder to the county treasurer at the time
11 settlement is made with the county treasurer for collections of personal property
12 taxes, and shall at the same time report in writing to the county clerk the licenses
13 issued. The report shall be in the form prescribed by the department, and the forms
14 shall be furnished by the county clerks.

15 **SECTION 342pv.** 174.08 (2) of the statutes is created to read:

16 174.08 (2) In a county in which an agreement under s. 174.10 (2) is in effect,
17 a collecting official who is not the intergovernmental commission shall pay all dog
18 license taxes to the intergovernmental commission and shall report the licenses
19 issued to the intergovernmental commission.

20 **SECTION 342px.** 174.09 of the statutes is amended to read:

21 **174.09 Dog license fund; how disposed of and accounted for.** (1) The
22 Except as provided in sub. (3), the dog license taxes so paid to the county treasurer
23 shall be kept in a separate account and shall be known as the “dog license fund” and
24 shall be appropriated and disbursed for the purposes and in the manner following:
25 Within 30 days after receipt of the same, the county treasurer shall pay into the state

1 treasury 5% of the minimum tax as provided for under s. 174.05 (2) of all dog license
2 taxes which shall have been received by the county treasurer.

3 **(2)** ~~Expenses~~ Except as provided in sub. (3), expenses necessarily incurred by
4 the county in purchasing and providing books, forms, and other supplies required in
5 the administering of the dog license law, expenses incurred by the county under s.
6 95.21 (4) (b) and (8) and expenses incurred by the county pound or by a humane
7 society or other organization designated to provide a pound for collecting, caring for,
8 and disposing of dogs may be paid out of the dog license fund. The amount remaining
9 in the fund after deducting these expenses shall be available for and may be used as
10 far as necessary for paying claims allowed by the county to the owners of domestic
11 animals because of damages done by dogs during the license year for which the taxes
12 were paid. Any surplus in excess of \$1,000 which may remain from the dog license
13 taxes of any license year shall on March 1 of the succeeding year be paid by the county
14 treasurer to the county humane society or other organization designated by the
15 county board to provide a pound. If there is no humane society or other organization
16 designated to provide a pound, these funds shall be paid to the towns, villages, and
17 cities of the county for their use in the proportion in which the towns, villages, and
18 cities contributed to the fund out of which the surplus arises.

19 **SECTION 342pz.** 174.09 (3) of the statutes is created to read:

20 174.09 **(3)** In a county in which an agreement under s. 174.10 (2) is in effect,
21 the intergovernmental commission shall maintain the dog license fund, consisting
22 of the dog license taxes and late fees. The intergovernmental commission shall pay
23 5% of the minimum dog license tax provided for under s. 174.05 (2) to the department
24 and shall expend the remainder of the dog license fund for the purposes of
25 administering the dog license law, providing a pound for dogs, and paying claims

1 allowed under s. 174.11. If on March 1 there is remaining in the dog license fund a
2 surplus from the dog license taxes of the previous license year that exceeds 5% of the
3 dog license taxes collected in that license year, the intergovernmental commission
4 shall return the excess to the towns, villages, and cities of the county in the
5 proportion in which the towns, villages, and cities contributed to the fund in that
6 license year.

7 **SECTION 342qb.** 174.10 of the statutes is created to read:

8 **174.10 Dog licensing in populous counties.** (1) In this section,
9 “municipality” means a city, village, or town.

10 (2) If all of the municipalities in a county with a population of 500,000 or more
11 form an intergovernmental commission by contract under s. 66.0301 (2) for the
12 purpose of providing animal control services, the county and the intergovernmental
13 commission may enter into an agreement under which the intergovernmental
14 commission assumes the county’s responsibility for activities related to dog
15 licensing.

16 (3) If a county and an intergovernmental commission enter into an agreement
17 under sub. (2), the intergovernmental commission shall provide a copy of the
18 agreement to the department.

19 **SECTION 342qd.** 174.11 (1) of the statutes is amended to read:

20 174.11 (1) The owner of any domestic animal, including a ranch mink, when
21 it is proven that a dog forcibly entered an enclosure in which the mink was kept,
22 which is attacked, chased, injured, or killed by a dog may, within 3 days after the
23 owner has knowledge or notice thereof, file a written claim for damages with the
24 clerk of the town, village, or city in which the damage occurred or, if it occurred in
25 a town or village, with the chairperson of such town or the president of such village.

1 The form of the claim may be prescribed by the department of agriculture, trade and
2 consumer protection. Upon presentation of a claim the supervisors of the town, the
3 board of trustees of the village, or the common council of the city, or a committee
4 appointed for that purpose by the supervisors, the board of trustees, or the common
5 council shall promptly investigate the claim and may subpoena witnesses,
6 administer oaths, and take testimony relative to the claim and shall within 30 days
7 after the filing of the claim make, certify, and return to the county clerk or, in a county
8 in which an agreement under s. 174.10 (2) is in effect, to the intergovernmental
9 commission the claim, a report of the investigation, the testimony taken, and the
10 amount of damages suffered by the owner of the domestic animal.

11 **SECTION 342qf.** 174.11 (2) of the statutes is renumbered 174.11 (2) (a) and
12 amended to read:

13 174.11 (2) (a) The form of the report and certification under sub. (1) may be
14 prescribed by the department of agriculture, trade and consumer protection, and
15 shall be subscribed by the supervisors, board, or committee making the report and
16 certification. ~~The~~

17 (b) Except as provided in par. (c), the county clerk shall submit to the county
18 board at its first meeting, following the receipt of any such claim, all claims filed and
19 reported, and the claims shall be acted upon and determined by the county board as
20 other claims are determined and acted upon. ~~The~~ Except as provided in par. (c), the
21 amount of damages filed and reported to the county clerk shall be prima facie proof
22 of the actual damages sustained, but evidence may be taken before the county board
23 relative to the claims as in other cases, and appeals from the action of the county
24 board shall lie as in other cases.

1 (d) On appeal from the action of the county board or, in a county in which an
2 agreement under s. 174.10 (2) is in effect, from the action of the intergovernmental
3 commission, the trial shall be by the court without a jury.

4 **SECTION 342qh.** 174.11 (2) (c) of the statutes is created to read:

5 174.11 (2) (c) In a county in which an agreement under s. 174.10 (2) is in effect,
6 the intergovernmental commission shall act upon and determine all claims filed and
7 reported under sub. (1).

8 **SECTION 342qj.** 174.11 (4) of the statutes is amended to read:

9 174.11 (4) Subject to sub. (5), the county board or, in a county in which an
10 agreement under s. 174.10 (2) is in effect, the intergovernmental commission shall
11 allow, as the amount of a claim for a domestic animal, including a ranch mink, killed
12 by a dog, the amount determined to be the fair market value of the domestic animal,
13 including a ranch mink, on the date the death occurred. Subject to sub. (5), the
14 county board or, in a county in which an agreement under s. 174.10 (2) is in effect,
15 the intergovernmental commission shall allow, as the amount of a claim for a
16 domestic animal, including a ranch mink, injured by a dog, the amount determined
17 to be the total of the costs resulting from the injury including a loss in fair market
18 value but the total amount of the claim may not exceed the fair market value. No
19 claim may be paid to any person who has failed to pay a dog tax on an assessable dog.

20 **SECTION 342qL.** 174.12 (1) of the statutes is amended to read:

21 174.12 (1) The allowance by ~~the a~~ county of any claim for damages done by dogs
22 ~~shall work~~ constitutes an assignment to the county of the cause of the action of the
23 claimant for which the claim is filed, and the county may sue and recover from the
24 owner of the dog or dogs doing the damages the full amount thereof and which shall
25 not be limited to the sum paid the claimant by the county. The allowance under s.

1 174.11 (2) (c) by an intergovernmental commission of any claim for damages done by
2 dogs constitutes an assignment to the intergovernmental commission of the cause
3 of the action of the claimant for which the claim is filed, and the intergovernmental
4 commission may sue and recover from the owner of the dog or dogs doing the damages
5 the full amount thereof and which shall not be limited to the sum paid the claimant
6 by the intergovernmental commission. Before any claim shall be allowed by the a
7 county or an intergovernmental commission on account of damages done by dogs, the
8 claimant shall furnish satisfactory proof that the damage was not done in whole or
9 in part by any dog owned, kept, or harbored by the claimant.

10 **SECTION 342qn.** 174.12 (2) of the statutes is amended to read:

11 174.12 (2) No claim shall be allowed by the a county board or an
12 intergovernmental commission at less than the amount so certified and reported,
13 unless the claimant shall first be notified that such action is contemplated and shall
14 have been given a reasonable opportunity to be heard and to offer further evidence
15 in support of the claimant's claim.”.

16 **397.** Page 176, line 20: after that line insert:

17 **SECTION 342g.** 167.31 (2) (d) of the statutes, as affected by 2001 Wisconsin Act
18 8, is amended to read:

19 167.31 (2) (d) Except as provided in sub. (4) (a), (bg), (cg), (e), and (g), no person
20 may discharge a firearm or shoot a bolt or an arrow from a bow or crossbow from or
21 across a highway or within 50 feet of the center of a roadway.

22 **SECTION 342m.** 167.31 (4) (bg) of the statutes is created to read:

23 167.31 (4) (bg) Subsection (2) (b), (c), and (d) does not apply to a state or federal
24 employee acting within the scope of his or her employment who holds a permit or

1 license issued by the department of natural resources that authorizes the taking of
2 wild animals from the wild for the purpose of testing for disease in wild animals or
3 for the purpose of removing diseased wild animals.”.

4 **398.** Page 177, line 2: after that line insert:

5 “SECTION 343m. 177.01 (10) (a) 2. of the statutes is amended to read:

6 177.01 (10) (a) 2. Credit balances, customer overpayments, ~~gift certificates,~~
7 security deposits, refunds, credit memos, unpaid wages, unused airline tickets and
8 unidentified remittances.

9 SECTION 343q. 177.14 of the statutes is amended to read:

10 **177.14 ~~Gift certificates and credit~~ Credit memos. (1)** A ~~gift certificate or~~
11 ~~a~~ credit memo issued in the ordinary course of the issuer’s business that remains
12 unclaimed by the owner for more than 5 years after becoming payable or
13 distributable is presumed abandoned.

14 ~~(2) In the case of a gift certificate, the amount presumed abandoned is the price~~
15 ~~paid by the purchaser of the gift certificate. In the case of a credit memo, the The~~
16 amount presumed abandoned under sub. (1) is the amount credited to the recipient
17 of the credit memo.”.

18 **399.** Page 177, line 9: after that line insert:

19 “SECTION 345m. 185.42 (2) of the statutes is amended to read:

20 185.42 (2) The register of deeds, upon payment of the fee specified under s.
21 59.43 (2) (e) ~~(ag)~~, shall number each contract consecutively and shall record it. The
22 register of deeds shall enter the name of every member–maker of such a contract
23 ~~alphabetically in a book to be kept for that purpose. He or she shall place members~~
24 ~~and cooperatives under a separate head and shall state in separate columns, opposite~~

1 each name, the number of the contract, the date of the filing, and a brief description
2 of the products, goods or services covered by such contract in the real estate records
3 index under s. 59.43 (9).”.

4 **400.** Page 177, line 14: after that line insert:

5 “**SECTION 346c.** 196.218 (3) (a) 3. b. of the statutes, as affected by 2001
6 Wisconsin Act 16, is amended to read:

7 196.218 (3) (a) 3. b. The amounts appropriated under ss. 20.255 (3) (q), ~~20.275~~
8 ~~(4) 20.255 (4) (s), (t) and (tm) and 20.285 (1) (q).~~

9 **SECTION 346m.** 196.218 (4t) of the statutes is amended to read:

10 196.218 (4t) EDUCATIONAL TELECOMMUNICATIONS ACCESS PROGRAM RULES. The
11 commission, in consultation with the department of administration and the
12 technology for educational achievement in Wisconsin board department of public
13 instruction, shall promulgate rules specifying the telecommunications services
14 eligible for funding through the educational telecommunications access program
15 under s. 44.73 ~~115.9995~~.

16 **SECTION 346r.** 196.218 (5) (a) 5. of the statutes, as affected by 2001 Wisconsin
17 Act 16, is amended to read:

18 196.218 (5) (a) 5. To pay costs incurred under contracts under s. 16.974 to the
19 extent that these costs are not paid under s. 44.73 ~~(2) (d) 115.9995 (2) (d)~~, except that
20 no moneys in the universal service fund may be used to pay installation costs that
21 are necessary for a political subdivision to obtain access to bandwidth under a shared
22 service agreement under s. 44.73 ~~(2r) (a) 115.9995 (2r) (a)~~.

23 **SECTION 346rm.** 196.218 (5) (a) 7. of the statutes is amended to read:

1 196.218 (5) (a) 7. To make grants awarded by the ~~technology for educational~~
2 ~~achievement in Wisconsin board~~ department of public instruction to school districts
3 and private schools under s. 44.73 (6) ~~115.9995 (6)~~. This subdivision does not apply
4 after December 31, 2005.

5 **SECTION 346rt.** 196.218 (5) (a) 10. of the statutes, as created by 2001 Wisconsin
6 Act 16, is amended to read:

7 196.218 (5) (a) 10. To make the grant awarded by the ~~technology for educational~~
8 ~~achievement in Wisconsin board~~ department of public instruction to the Racine
9 Unified School District under s. 44.72 (3) ~~115.999 (3)~~.”.

10 **401.** Page 177, line 14: after that line insert:

11 “**SECTION 346cd.** 186.01 (2) of the statutes is amended to read:

12 186.01 (2) “Credit union” means, except as specifically provided under ss.
13 186.41 (1) and 186.45 (1), a cooperative, nonprofit corporation, incorporated under
14 this chapter to encourage thrift among its members, create a source of credit at a fair
15 and reasonable cost, and provide an opportunity for its members to improve their
16 economic and social conditions.

17 **SECTION 346cf.** 186.02 (2) (a) 1. of the statutes is amended to read:

18 186.02 (2) (a) 1. The conditions of ~~residence or occupation which qualify persons~~
19 that determine eligibility for membership.

20 **SECTION 346ch.** 186.02 (2) (b) 2. of the statutes is amended to read:

21 186.02 (2) (b) 2. Residents Except as otherwise provided in this subdivision,
22 individuals who reside or are employed within ~~a~~ well-defined neighborhood,
23 ~~community or rural district~~ and contiguous neighborhoods and communities. If the
24 office of credit unions, subsequent to a credit union merger, determines that it would

1 be inappropriate under the circumstances to require members of the credit union
2 that results from the merger to reside or be employed in contiguous neighborhoods
3 and communities, the requirement that these neighborhoods and communities be
4 contiguous does not apply.

5 **SECTION 346cj.** 186.02 (2) (b) 2m. of the statutes is created to read:

6 186.02 (2) (b) 2m. Individuals who reside or are employed within well-defined
7 and contiguous rural districts or multicounty regions.

8 **SECTION 346cL.** 186.02 (2) (c) of the statutes is amended to read:

9 186.02 (2) (c) Members of the immediate family of all qualified persons are
10 eligible for membership. ~~In this paragraph, “members of the immediate family”~~
11 ~~include the wife, husband, parents, stepchildren and children of a member whether~~
12 ~~living together in the same household or not and any other relatives of the member~~
13 ~~or spouse of a member living together in the same household as the member.~~

14 **SECTION 346cn.** 186.02 (2) (d) of the statutes is renumbered 186.02 (2) (d) 1.
15 and amended to read:

16 186.02 (2) (d) 1. ~~Organizations and associations~~ An organization or association
17 of individuals, the majority of whom the directors, owners, or members of which are
18 eligible for membership, may be admitted to membership in the same manner and
19 under the same conditions as individuals.

20 **SECTION 346cp.** 186.02 (2) (d) 2. of the statutes is created to read:

21 186.02 (2) (d) 2. An organization or association that has its principal business
22 location within any geographic limits of the credit union’s field of membership may
23 be admitted to membership.

24 **SECTION 346cr.** 186.11 (4) (title) of the statutes is amended to read:

1 186.11 (4) (title) INVESTMENT IN CREDIT UNION SERVICE CORPORATIONS
2 ORGANIZATIONS.

3 **SECTION 346ct.** 186.11 (4) (a) of the statutes is renumbered 186.11 (4) (a)
4 (intro.) and amended to read:

5 186.11 (4) (a) (intro.) ~~A~~ Unless the office of credit unions approves a higher
6 percentage, a credit union may invest not more than 1.5% of its total assets in the
7 capital shares or obligations of a credit union service ~~corporation~~ organizations that
8 satisfy all of the following:

9 2. Are organized primarily to provide goods and services to credit unions, credit
10 union organizations, and credit union members.

11 **SECTION 346cv.** 186.11 (4) (a) 1. of the statutes is created to read:

12 186.11 (4) (a) 1. Are corporations, limited partnerships, limited liability
13 companies, or other entities that are permitted under the laws of this state and that
14 are approved by the office of credit unions.

15 **SECTION 346cx.** 186.11 (4) (b) (intro.) and 1. of the statutes are amended to
16 read:

17 186.11 (4) (b) (intro.) A credit union service ~~corporation~~ organization under par.
18 (a) may provide goods and services including any of the following:

19 1. Credit union operations services, including service centers, credit and debit
20 card services, automated teller and remote terminal services, electronic transaction
21 services, accounting systems, data processing, management training and support,
22 payment item processing, record retention and storage, locator services, research,
23 debt collection, credit analysis and loan servicing, coin and currency services, and
24 marketing and advertising services.

25 **SECTION 346dd.** 186.11 (4) (c) of the statutes is amended to read:

1 186.11 (4) (c) A credit union service corporation organization may be subject
2 to audit by the office of credit unions.

3 **SECTION 346df.** 186.113 (1) of the statutes is amended to read:

4 186.113 (1) BRANCH OFFICES. ~~If the need and necessity exist and with~~ With the
5 approval of the office of credit unions, establish branch offices inside ~~this state or no~~
6 ~~more than 25 miles~~ or outside of this state. Permanent records may be maintained
7 at branch offices established under this subsection. In this subsection, the term
8 “branch office” does not include a remote terminal, a limited services office, or a
9 service center.

10 **SECTION 346dh.** 186.113 (1m) (a) (intro.) of the statutes is amended to read:

11 186.113 (1m) (a) (intro.) ~~Establish~~ Before the effective date of this paragraph
12 ... [revisor inserts date], establish limited services offices outside this state to serve
13 any member of the credit union if all of the following requirements are met:

14 **SECTION 346dj.** 186.113 (6) (b) and (c) of the statutes are amended to read:

15 186.113 (6) (b) Act as trustees or custodians of member tax deferred retirement
16 funds, individual retirement accounts, medical savings accounts, or other employee
17 benefit accounts or funds permitted by federal law to be deposited in a credit union.

18 (c) Act as a depository for ~~member-deferred~~ member qualified and
19 nonqualified deferred compensation funds as permitted by federal law.

20 **SECTION 346dL.** 186.113 (24) of the statutes is created to read:

21 186.113 (24) FUNERAL TRUSTS. Accept deposits made by members for the
22 purpose of funding burial agreements by trusts created pursuant to s. 445.125.

23 **SECTION 346dn.** 186.20 of the statutes is created to read:

1 **186.20 Financial privacy.** A credit union shall comply with any applicable
2 requirements under 15 USC 6801 to 6803 and any applicable regulations prescribed
3 by the national board under 15 USC 6804.

4 **SECTION 346dp.** 186.235 (7) (a) (intro.) of the statutes is amended to read:

5 186.235 (7) (a) (intro.) Employees of the office of credit unions and members
6 of the review board shall keep secret all the facts and information obtained in the
7 course of examinations, ~~except~~ or contained in any report provided by a credit union
8 other than any semiannual or quarterly financial report that is regularly filed with
9 the office of credit unions. This requirement does not apply in any of the following
10 situations:

11 **SECTION 346dq.** 186.235 (7) (c) of the statutes is created to read:

12 186.235 (7) (c) If any person mentioned in par. (a) discloses any information
13 about the private account or transactions of a credit union or any information
14 obtained in the course of an examination of a credit union, except as provided in pars.
15 (a) and (b), that person may be required to forfeit his or her office or position and may
16 be fined not less than \$100 nor more than \$1,000, or imprisoned for not less than 6
17 months nor more than 3 years, or both.

18 **SECTION 346dr.** 186.235 (7) (c) of the statutes, as created by 2001 Wisconsin
19 Act (this act), is repealed and recreated to read:

20 186.235 (7) (c) If any person mentioned in par. (a) discloses any information
21 about the private account or transactions of a credit union or any information
22 obtained in the course of an examination of a credit union, except as provided in pars.
23 (a) and (b), that person is guilty of a Class I felony.

24 **SECTION 346dt.** 186.235 (7m) of the statutes is created to read:

1 186.235 (7m) RETURN OF EXAMINATION REPORTS. Examination reports possessed
2 by a credit union are confidential, remain the property of the office of credit unions,
3 and shall be returned to the office of credit unions immediately upon request.

4 **SECTION 346dx.** 186.235 (16) (b) of the statutes is repealed.

5 **SECTION 346ed.** 186.235 (16) (bm) of the statutes is created to read:

6 186.235 (16) (bm) Except as otherwise provided in this paragraph, the
7 examination of a credit union under par. (a) shall include an examination of the credit
8 union's compliance with s. 186.20. The examination under par. (a) need not include
9 an examination of the credit union's compliance with s. 186.20 if, during the 12
10 months preceding the date of the examination under par. (a), the credit union
11 received from the national board a consumer compliance examination that contains
12 information regarding the credit union's compliance with 15 USC 6801 to 6803 and
13 any applicable regulations prescribed under 15 USC 6804.

14 **SECTION 346ef.** 186.36 of the statutes is amended to read:

15 **186.36 Sale of insurance in credit unions.** Any officer or employee of a
16 credit union, when acting as an agent for the sale of insurance on behalf of the credit
17 union, shall pay all commissions received from the sale of ~~credit life insurance or~~
18 ~~credit accident and sickness insurance~~ to the credit union.

19 **SECTION 346eh.** 186.41 (title) of the statutes is amended to read:

20 **186.41 (title) Interstate acquisitions and merger mergers**
21 **of credit unions.**

22 **SECTION 346ej.** 186.41 (1) (a) of the statutes is renumbered 186.41 (1) (bm) and
23 amended to read:

24 186.41 (1) (bm) “~~In-state~~ Wisconsin credit union” means a credit union having
25 its principal office located in this state.

1 **SECTION 346eL.** 186.41 (1) (c) of the statutes is renumbered 186.41 (1) (am) and
2 amended to read:

3 186.41 (1) (am) “~~Regional Out-of-state~~ credit union” means a state or federal
4 credit union ~~that has its,~~ the principal office of which is located in ~~one of the regional~~
5 states a state other than this state.

6 **SECTION 346en.** 186.41 (1) (d) of the statutes is repealed.

7 **SECTION 346ep.** 186.41 (2) and (3) of the statutes are amended to read:

8 186.41 (2) ~~IN-STATE~~ WISCONSIN CREDIT UNION. (a) ~~An in-state~~ A Wisconsin credit
9 union may do any of the following:

10 1. Acquire an interest in, or some or all of the assets and liabilities of, one or
11 more ~~regional out-of-state~~ credit unions.

12 2. Merge with one or more ~~regional out-of-state~~ credit unions.

13 (b) ~~An in-state~~ A Wisconsin credit union proposing any action under par. (a)
14 shall provide the office of credit unions a copy of any original application seeking
15 approval by a federal agency or by an agency of the ~~regional~~ another state and of any
16 supplemental material or amendments filed in connection with any application.

17 **(3) REGIONAL OUT-OF-STATE** CREDIT UNIONS. Except as provided in sub. (4), a
18 ~~regional~~ an out-of-state credit union may do any of the following:

19 (a) Acquire an interest in, or some or all of the assets of, one or more ~~in-state~~
20 Wisconsin credit unions.

21 (b) Merge with one or more ~~in-state~~ Wisconsin credit unions.

22 **SECTION 346er.** 186.41 (4) (intro.), (a) to (d) and (f) of the statutes are amended
23 to read:

24 186.41 (4) **LIMITATIONS.** (intro.) ~~A regional~~ An out-of-state credit union may
25 not take any action under sub. (3) until all of the following conditions have been met:

1 (a) The office of credit unions finds that the statutes of the regional state in
2 which the regional ~~out-of-state~~ credit union has its principal office permit in-state
3 Wisconsin credit unions to both acquire regional ~~out-of-state~~ credit union assets and
4 merge with one or more regional ~~out-of-state~~ credit unions in the regional ~~that~~ state.

5 (b) The office of credit unions has not disapproved the acquisition of in-state
6 Wisconsin credit union assets or the merger with the in-state Wisconsin credit union
7 under sub. (5).

8 (c) The office of credit unions gives a class 3 notice, under ch. 985, in the official
9 state newspaper, of the application to take an action under sub. (3) and of the
10 opportunity for a hearing and, if at least 25 residents of this state petition for a
11 hearing within 30 days of the final notice or if the office of credit unions on its own
12 motion calls for a hearing within 30 days of the final notice, the office of credit unions
13 holds a public hearing on the application, except that a hearing is not required if the
14 office of credit unions finds that an emergency exists and that the proposed action
15 under sub. (3) is necessary and appropriate to prevent the probable failure of an
16 in-state a Wisconsin credit union that is closed or in danger of closing.

17 (d) The office of credit unions is provided a copy of any original application
18 seeking approval by a federal agency of the acquisition of in-state Wisconsin credit
19 union assets or of the merger with an in-state a Wisconsin credit union and of any
20 supplemental material or amendments filed with the application.

21 (f) With regard to an acquisition of assets of an in-state a Wisconsin credit
22 union that is chartered on or after May 9, 1986, the in-state Wisconsin credit union
23 has been in existence for at least 5 years before the date of acquisition.

24 **SECTION 346et.** 186.41 (5) (a), (b), (c) and (cr) of the statutes are amended to
25 read:

1 186.41 (5) (a) Considering the financial and managerial resources and future
2 prospects of the applicant and of the ~~in-state~~ Wisconsin credit union concerned, the
3 action would be contrary to the best interests of the members of the ~~in-state~~
4 Wisconsin credit union.

5 (b) The action would be detrimental to the safety and soundness of the
6 applicant or of the ~~in-state~~ Wisconsin credit union concerned, or to a subsidiary or
7 affiliate of the applicant or of the ~~in-state~~ Wisconsin credit union.

8 (c) Because the applicant, its executive officers, or directors have not
9 established a record of sound performance, efficient management, financial
10 responsibility, and integrity, the action would be contrary to the best interests of the
11 creditors, ~~the members or, the~~ other customers of the applicant ~~or of the in-state, the~~
12 Wisconsin credit union, ~~or contrary to the best interests of the public.~~

13 (cr) The applicant has failed to propose to provide adequate and appropriate
14 services of the type contemplated by the community reinvestment act of 1977 in the
15 community in which the ~~in-state~~ Wisconsin credit union which the applicant
16 proposes to acquire or merge with is located.

17 **SECTION 346ev.** 186.41 (6) (a) of the statutes is renumbered 186.41 (6).

18 **SECTION 346ex.** 186.41 (6) (b) of the statutes is repealed.

19 **SECTION 346fd.** 186.41 (8) of the statutes is repealed.

20 **SECTION 346ff.** 186.45 of the statutes is created to read:

21 **186.45 Non-Wisconsin credit union, Wisconsin offices. (1) DEFINITIONS.**

22 In this section:

23 (a) “Non-Wisconsin credit union” means a credit union organized under the
24 laws of and with its principal office located in a state other than this state.

25 (b) “Wisconsin credit union” has the meaning given in s. 186.41 (1) (bm).

1 **(2) APPROVAL.** A non–Wisconsin credit union may open an office and conduct
2 business as a credit union in this state if the office of credit unions finds that
3 Wisconsin credit unions are allowed to do business in the other state under
4 conditions similar to those contained in this section and that all of the following apply
5 to the non–Wisconsin credit union:

6 (a) It is a credit union organized under laws similar to the credit union laws of
7 this state.

8 (b) It is financially solvent based upon national board ratings.

9 (c) It has member savings insured with federal share insurance.

10 (d) It is effectively examined and supervised by the credit union authorities of
11 the state in which it is organized.

12 (e) It has received approval from the credit union authorities of the state in
13 which it is organized.

14 (f) It has a need to place an office in this state to adequately serve its members
15 in this state.

16 (g) It meets all other relevant standards or qualifications established by the
17 office of credit unions.

18 **(3) REQUIREMENTS.** A non–Wisconsin credit union shall agree to do all of the
19 following:

20 (a) Grant loans at rates not in excess of the rates permitted for Wisconsin credit
21 unions.

22 (b) Comply with this state’s laws.

23 (c) Designate and maintain an agent for the service of process in this state.

24 **(4) RECORDS.** As a condition of a non–Wisconsin credit union doing business in
25 this state under this section, the office of credit unions may require copies of

1 examination reports and related correspondence regarding the non-Wisconsin
2 credit union.

3 **SECTION 346fg.** 186.80 of the statutes is created to read:

4 **186.80 False statements. (1)** No officer, director, or employee of a credit
5 union may do any of the following:

6 (a) Willfully and knowingly subscribe to or make, or cause to be made, a false
7 statement or entry in the books of the credit union.

8 (b) Knowingly subscribe to or exhibit false information with the intent to
9 deceive any person authorized to examine the affairs of the credit union.

10 (c) Knowingly make, state, or publish any false report or statement of the credit
11 union.

12 **(2)** Any person who violates sub. (1) may be fined not more than \$5,000, or
13 imprisoned for not less than one year nor more than 15 years, or both.

14 **SECTION 346fh.** 186.80 (2) of the statutes, as created by 2001 Wisconsin Act ...
15 (this act), is repealed and recreated to read:

16 186.80 **(2)** Any person who violates sub. (1) is guilty of a Class F felony.”

17 **402.** Page 177, line 14: after that line insert:

18 **“SECTION 346cm.** 185.981 (4t) of the statutes is amended to read:

19 185.981 **(4t)** A sickness care plan operated by a cooperative association is
20 subject to ss. 252.14, 631.17, 631.89, 631.95, 632.72 (2), 632.745 to 632.749, 632.85,
21 632.853, 632.855, 632.87 (2m), (3), (4), and (5), 632.89, 632.895 (10) to ~~(14)~~ (15), and
22 632.897 (10) and chs. 149 and 155.

23 **SECTION 346dr.** 185.983 (1) (intro.) of the statutes is amended to read:

1 185.983 (1) (intro.) Every such voluntary nonprofit sickness care plan shall be
2 exempt from chs. 600 to 646, with the exception of ss. 601.04, 601.13, 601.31, 601.41,
3 601.42, 601.43, 601.44, 601.45, 611.67, 619.04, 628.34 (10), 631.17, 631.89, 631.93,
4 631.95, 632.72 (2), 632.745 to 632.749, 632.775, 632.79, 632.795, 632.85, 632.853,
5 632.855, 632.87 (2m), (3), (4), and (5), 632.89, 632.895 (5) and (9) to ~~(14)~~ (15), 632.896,
6 and 632.897 (10) and chs. 609, 630, 635, 645, and 646, but the sponsoring association
7 shall:”.

8 **403.** Page 177, line 14: after that line insert:

9 “**SECTION 346b.** 196.196 (3) (a) of the statutes is amended to read:

10 196.196 (3) (a) Except to the extent expressly permitted by this section and ss.
11 196.19 (1m), 196.194, 196.195, 196.1995, 196.20 (1m), 196.204, 196.209 and,
12 196.219, and 196.37, the commission may not have jurisdiction over the prices or
13 terms and conditions for the offering of any other services, including new
14 telecommunications services, offered by a price-regulated telecommunications
15 utility.

16 **SECTION 346d.** 196.196 (6) (title) of the statutes is created to read:

17 196.196 (6) (title) MANDATORY CREDITS.

18 **SECTION 346f.** 196.196 (6) (a) of the statutes is created to read:

19 196.196 (6) (a) *Definitions.* In this subsection:

20 1. “Customer” means any person, including a telecommunications provider,
21 that uses the services, products, or facilities provided by a telecommunications
22 utility.

23 2. “End-user customer” means a person that receives local exchange service
24 from a telecommunications utility or another telecommunications provider, and that

1 does not resell the local exchange service or use such service to provide
2 telecommunications service to any other customer.

3 3. “Large telecommunications utility” means a telecommunications utility that
4 has more than 500,000 access lines in use in this state at the time of electing to
5 become price regulated.

6 4. “Local exchange service” has the meaning given in s. 196.50 (1) (b) 1.

7 **SECTION 346h.** 196.196 (6) (b) of the statutes is created to read:

8 196.196 **(6)** (b) *Service disruptions.* 1. If the local exchange service of an
9 end–user customer is disrupted by a large telecommunications utility, or a
10 telecommunications utility specified in an order under par. (f), and remains
11 disrupted for more than 24 hours after the disruption is reported to the utility, the
12 utility shall issue a credit in an amount specified in subd. 2. to the end–user customer
13 unless one of the following applies:

14 a. The disruption is caused by the end–user customer or the end–user
15 customer’s telecommunications equipment.

16 b. The disruption is caused by a natural disaster, act of God, military action,
17 war, insurrection, or riot.

18 c. The end–user customer fails to keep an appointment to repair the disruption
19 and the utility is not able to obtain access to repair the disruption.

20 2. If service is disrupted for 24 hours or more, the amount of the credit under
21 subd. 1. shall be \$35 for each primary residential line, \$5 for each other residential
22 line, \$135 for each main billing business line, and \$25 for each other business line,
23 for each 24–hour period, or portion of a 24–hour period, in which service is disrupted.

24 **SECTION 346j.** 196.196 (6) (c) of the statutes is created to read:

1 196.196 (6) (c) *Failure to install local exchange service.* 1. Except as provided
2 in subd. 2., if a large telecommunications utility, or a telecommunications utility
3 specified in an order under par. (f), fails to install local exchange service or related
4 equipment within 5 business days after an end–user customer places an order for the
5 service or equipment, the utility shall issue a credit to the end–user customer in an
6 amount equal to \$35 for each residential line and \$135 for each business line for each
7 business day, or portion of a business day, beyond the 5th business day that the
8 service or equipment is not installed.

9 2. Subdivision 1. does not apply to any of the following:

10 a. The installation of service in an undeveloped area where there are no
11 telecommunications facilities.

12 b. A failure to install that is caused by a natural disaster, act of God, military
13 action, war, insurrection, or riot.

14 c. A failure to install resulting from the end–user customer voluntarily
15 changing the installation date without providing notice 48 hours before the
16 originally scheduled installation date.

17 **SECTION 346L.** 196.196 (6) (d) of the statutes is created to read:

18 196.196 (6) (d) *Failure to keep appointments.* 1. A large telecommunications
19 utility, or a telecommunications utility specified in an order under par. (f), shall do
20 all of the following:

21 a. Except as provided in subd. 2., if the utility fails to keep an appointment to
22 install service or make on–premises or outside repairs for an end–user customer,
23 issue a \$35 credit for each residential line and a \$135 credit for each business line
24 that is affected by the failure.

1 b. Inform an end–user customer about the utility’s obligation to issue a credit
2 under subd. 1. a. at the time an appointment is made.

3 2. Subdivision 1. a. does not apply if the telecommunications utility provides
4 the end–user customer with 24–hour advance notice that the utility is not able to
5 keep the appointment or if a natural disaster, act of God, military action, war,
6 insurrection, or riot prevents the utility from keeping the appointment.

7 **SECTION 346n.** 196.196 (6) (e) of the statutes is created to read:

8 196.196 **(6)** (e) *Credit procedure.* 1. If a large telecommunications utility, or
9 a telecommunications utility specified in an order under par. (f), is required to
10 provide a credit to an end–user customer under this subsection, the utility shall issue
11 the credit by adjusting the end–user customer’s first bill following the event for
12 which the credit is required.

13 2. Except for an end–user customer report under par. (b) 1., a large
14 telecommunications utility, or a telecommunications utility specified in an order
15 under par. (f), may not require an end–user customer to provide any notice as a
16 condition for issuing a credit required under this subsection.

17 **SECTION 346p.** 196.196 (6) (f) of the statutes is created to read:

18 196.196 **(6)** (f) *Other telecommunications utilities.* In addition to any other
19 order issued by the commission, the commission may issue an order that applies the
20 requirements of this subsection to a telecommunications utility other than a large
21 telecommunications utility, but only if the commission finds, after notice and
22 reasonable opportunity for hearing, that the telecommunications utility has engaged
23 in a demonstrable pattern of poor retail service that was not caused by poor
24 wholesale service from a telecommunications utility, or has intentionally violated
25 any state or federal law, rule, regulation, or order relating to retail service.

1 **SECTION 346r.** 196.196 (6) (g) of the statutes is created to read:

2 196.196 **(6)** (g) *Other remedies available.* The remedies under this subsection
3 are not exclusive.

4 **SECTION 346t.** 196.196 (6) (h) of the statutes is created to read:

5 196.196 **(6)** (h) *Sunset.* This subsection does not apply after the first day of the
6 36th month beginning after the effective date of this paragraph [revisor inserts
7 date].

8 **SECTION 346v.** 196.196 (7) of the statutes is created to read:

9 196.196 **(7)** PENALTY. A price–regulated telecommunications utility that
10 provides inadequate service or makes insufficient investment may be required to
11 forfeit no more than the dollar value of the decrease in rates that would result from
12 applying a penalty mechanism of 10 percentage points and an incentive mechanism
13 of zero percentage points under sub. (1) (c) 1. The commission may directly impose
14 a forfeiture under this subsection by administrative action on a price–regulated
15 telecommunications utility with more than 500,000 access lines in use in this state
16 if the commission determines during its annual review of rate increases under sub.
17 (1) (c) that the utility has provided inadequate service or made insufficient
18 investment.

19 **SECTION 346x.** 196.1995 of the statutes is created to read:

20 **196.1995 Interconnection, collocation, and network elements. (1)**

21 DEFINITIONS. In this section:

22 (a) “End–user customer” has the meaning given in s. 196.196 (6) (a) 2.

23 (b) “Large telecommunications utility” means a telecommunications utility
24 that has more than 500,000 access lines in use in this state at the time of electing to
25 become price regulated.

1 (c) “Local exchange service” has the meaning given in s. 196.50 (1) (b) 1.

2 (d) “Network element” means a facility or equipment used to provide
3 telecommunications service. “Network element” includes features, functions, and
4 capabilities that are provided by means of such a facility or equipment, including
5 subscriber numbers, databases, signaling systems, and information sufficient for
6 bills or collections or that are used in transmitting, routing, or otherwise providing
7 telecommunications service.

8 (e) “Wholesale customer” means a telecommunications provider that uses the
9 services, products, or facilities of a large telecommunications utility to provide
10 telecommunications service to an end–user customer.

11 **(2) GENERALLY.** (a) A large telecommunications utility shall provide
12 interconnection, collocation, and network elements to telecommunications providers
13 in a manner that promotes the maximum development of competitive
14 telecommunications service offerings in this state.

15 (b) A large telecommunications utility shall provide interconnection,
16 collocation, and network elements in a manner specified by a telecommunications
17 provider if that manner is technically feasible. A manner is presumed to be
18 technically feasible if the large telecommunications utility or any of its affiliates offer
19 or provide interconnection, collocation, and network elements in that manner in any
20 jurisdiction.

21 **(3) COLLOCATION.** (a) A large telecommunications utility shall provide physical
22 or virtual collocation of any type of equipment for interconnection with, or access to
23 the network elements of, the utility or any collocated telecommunications provider
24 at the utility’s premises, at rates and on terms and conditions that are just,
25 reasonable, and nondiscriminatory. In this paragraph, “equipment” includes optical

1 transmission equipment, multiplexers, remote switching modules, and
2 cross-connects between the facilities or equipment of other collocated
3 telecommunications providers. In this paragraph, “equipment” also includes
4 microwave transmission facilities on the exterior or interior of any premises owned
5 or controlled by a large telecommunications utility, unless the large
6 telecommunications utility demonstrates to the satisfaction of the commission that
7 physical or virtual collocation of such facilities is not feasible due to technical issues
8 or space limitations.

9 (b) Upon request, a large telecommunications utility shall provide for each of
10 the following in a manner that is consistent with safety and network reliability
11 standards:

12 1. Cross-connects between the facilities or equipment of collocated
13 telecommunications providers that are the most reasonably direct and efficient, as
14 determined by the collocated telecommunications provider.

15 2. Cross-connects between the facilities or equipment of a collocated
16 telecommunications provider and the network elements platform or transport
17 facilities of a noncollocated telecommunications provider.

18 **(4) NETWORK ELEMENTS.** (a) Upon the request of a telecommunications provider,
19 a large telecommunications utility shall provide network elements on a bundled or
20 unbundled basis, as requested by the telecommunications provider, at any point that
21 the telecommunications provider determines is technically feasible, and in a manner
22 that allows the telecommunications provider to combine the network elements to
23 provide new or existing telecommunications service. A large telecommunications
24 utility must provide network elements under this paragraph at rates, and on terms
25 and conditions, that are just, reasonable, and nondiscriminatory.

1 (b) A large telecommunications utility may not require a wholesale customer
2 to purchase network elements on an unbundled basis if the utility ordinarily
3 combines the elements to provide service to the utility’s own end–user customers,
4 except at the direction of a telecommunications provider that requests unbundled
5 network elements.

6 (c) At the direction of a telecommunications provider that requests network
7 elements, a large telecommunications utility shall provide network elements on a
8 bundled or unbundled basis, and shall combine any sequence of network elements
9 requested by the telecommunications provider that the utility ordinarily combines
10 for itself.

11 (d) If a telecommunications provider uses the network elements platform of a
12 large telecommunications utility that consists solely of combined network elements
13 and the use is for the purpose of providing telecommunications service to an
14 end–user customer, the large telecommunications utility may not require that the
15 telecommunications provider purchase other network elements or retail services of
16 the utility. A telecommunications provider may order the network elements platform
17 on an as–is basis for an end–user customer that has received local exchange service
18 from the large telecommunications utility and the telecommunications provider may
19 direct the utility not to change any of the features previously selected by the
20 end–user customer. A large telecommunications utility that provides a network
21 elements platform to a telecommunications provider shall provide the platform
22 without any disruption of services to end–user customers.

23 **(5) COMPLIANCE PLAN.** (a) No later than the first day of the 9th month beginning
24 after the effective date of this paragraph [revisor inserts date], the commission
25 shall, after notice and, if requested, a hearing, issue an order establishing a

1 compliance plan for each large telecommunications utility that includes each of the
2 following:

3 1. Standards for the utility to provide nondiscriminatory access to the utility's
4 services and network elements, including the utility's operational support system,
5 to the utility's wholesale customers. The access must be at least equal in quality to
6 the access provided by the utility to itself or to any subsidiary, affiliate, or other
7 person to which the utility provides interconnection.

8 2. Procedures for measuring the large telecommunications utility's compliance
9 with the standards under subd. 1.

10 3. Requirements for the utility to make specified monetary payments to a
11 wholesale customer if the utility fails to comply with the standards under subd. 1.

12 (b) The requirements of this subsection apply in addition to any requirements
13 under an interconnection agreement.

14 **SECTION 346y.** 196.219 (3m) of the statutes is created to read:

15 196.219 (3m) WHOLESAL SERVICE. (a) In this subsection:

16 1. "Large telecommunications utility" means a telecommunications utility that
17 has more than 500,000 access lines in use in this state at the time of electing to
18 become price regulated.

19 2. "Repeat trouble report" means a trouble report by a wholesale customer who
20 has previously made a trouble report regarding the same wholesale service.

21 3. "Trouble report" means a report to a telecommunications utility by a
22 wholesale customer about a problem regarding a wholesale service provided by the
23 telecommunications utility.

24 4. "Wholesale services" means telecommunications services, products, or
25 facilities, provided by a telecommunications utility to a telecommunications

1 provider, including preordering, ordering and provisioning, maintenance and repair,
2 network performance, unbundled elements, operator services and directory
3 assistance, system performance, service center availability, billing, and any other
4 service that the commission specifies by order.

5 (b) No later than the first day of the 4th month beginning after the effective date
6 of this paragraph [revisor inserts date], the commission shall, by order, establish
7 minimum wholesale service standards that require a large telecommunications
8 utility to do all of the following:

9 1. Provision wholesale services and related facilities in a timely manner.

10 2. Repair wholesale service outages in a timely manner.

11 3. Minimize the frequency of trouble reports, including trouble reports within
12 30 days after initiating a wholesale service.

13 4. Minimize the frequency of repeat trouble reports.

14 (c) In addition to any other order issued by the commission, the commission
15 may issue an order that applies the requirements of par. (b) to a telecommunications
16 utility other than a large telecommunications utility, but only if the commission
17 finds, after notice and reasonable opportunity for hearing, that the
18 telecommunications utility has engaged in a demonstrable pattern of poor wholesale
19 service or has intentionally violated any state or federal law, rule, regulation, or
20 order relating to wholesale service.

21 (d) An order under par. (b) or (c) may require a telecommunications utility that
22 fails to comply with the order to make payments to a telecommunications provider
23 that is affected by the failure to comply or to the commission in amounts and
24 according to schedules that are specified in the order. Any payments to the
25 commission shall be credited to the appropriation account under s. 20.155 (1) (Lm).

1 (e) After the commission issues an order under par. (b) or (c), the commission
2 may promulgate rules that implement the requirements of the order.

3 (f) A telecommunications utility that provides wholesale services to a
4 telecommunications provider shall provide the services on the same terms and
5 conditions that the utility provides to itself or to any of its affiliates.

6 **SECTION 346z.** 196.37 (2) of the statutes is amended to read:

7 196.37 (2) If the commission finds that any measurement, regulation, practice,
8 act or service is unjust, unreasonable, insufficient, preferential, unjustly
9 discriminatory or otherwise unreasonable or unlawful, or that any service is
10 inadequate, or that any service which reasonably can be demanded cannot be
11 obtained, the commission shall determine and make any just and reasonable order
12 relating to a measurement, regulation, practice, act or service to be furnished,
13 imposed, observed and followed in the future. An order under this subsection against
14 a large telecommunications utility, as defined in s. 196.219 (3m) (a) 1., may require
15 the utility to make payments in amounts specified in the order to persons affected
16 by the measurement, regulation, practice, act, or service or to the commission. Any
17 payments to the commission shall be credited to the appropriation account under s.
18 20.155 (1) (Lm).”.

19 **404.** Page 177, line 14: after that line insert:

20 “**SECTION 346m.** 196.195 (5) of the statutes is amended to read:

21 196.195 (5) COMMISSION ACTION. If after the proceedings under subs. (2), (3) and
22 (4) the commission has determined that effective competition exists in the market
23 for the telecommunications service which justifies a lesser degree of regulation and
24 that lesser regulation in that market will serve the public interest, the commission

1 may, by order, suspend any of the following provisions of law, except as provided
2 under subs. (7) and (8): ~~ch. 201 and sub. (12) (d) 2. or (e);~~ s. 196.02 (2); s. 196.05; s.
3 196.06; s. 196.07; s. 196.09; s. 196.10; s. 196.12; s. 196.13 (2); s. 196.19; tariffing
4 requirements under s. 196.194; s. 196.196 (1) or (5); s. 196.20; s. 196.204 (5), (6), or
5 (7); s. 196.21; s. 196.22; s. 196.26; s. 196.28; s. 196.37; s. 196.49; s. 196.52; s. 196.58;
6 s. 196.60; s. 196.604; s. 196.77; s. 196.78; s. 196.79; ~~and s. 196.805; or ch. 201.~~”.

7 **405.** Page 177, line 14: after that line insert:

8 “**SECTION 346g.** 196.218 (5) (a) 5. of the statutes, as affected by 2001 Wisconsin
9 Act 16, is amended to read:

10 196.218 (5) (a) 5. To pay costs incurred under contracts under s. ~~16.974~~ 16.971
11 (13) to (16) to the extent that these costs are not paid under s. 44.73 (2) (d), except
12 that no moneys in the universal service fund may be used to pay installation costs
13 that are necessary for a political subdivision to obtain access to bandwidth under a
14 shared service agreement under s. 44.73 (2r) (a).

15 **SECTION 346h.** 196.218 (5) (a) 6. of the statutes, as affected by 2001 Wisconsin
16 Act 16, is amended to read:

17 196.218 (5) (a) 6. To pay the department of ~~electronic government~~
18 administration for telecommunications services provided under s. ~~22.05~~ 16.972 (1)
19 to the campuses of the University of Wisconsin System at River Falls, Stout, Superior
20 and Whitewater.

21 **SECTION 346m.** 196.858 (1) and (2) of the statutes, as affected by 2001
22 Wisconsin Act 16, are amended to read:

1 196.858 (1) The commission shall annually assess against local exchange and
2 interexchange telecommunications utilities the total, not to exceed \$5,000,000, of the
3 amounts appropriated under s. ~~20.530~~ 20.505 (1) (ir).

4 (2) The commission shall assess a sum equal to the annual total amount under
5 sub. (1) to local exchange and interexchange telecommunications utilities in
6 proportion to their gross operating revenues during the last calendar year. If total
7 expenditures for telephone relay service exceeded the payment made under this
8 section in the prior year, the commission shall charge the remainder to assessed
9 telecommunications utilities in proportion to their gross operating revenues during
10 the last calendar year. A telecommunications utility shall pay the assessment within
11 30 days after the bill has been mailed to the assessed telecommunication utility. The
12 bill constitutes notice of the assessment and demand of payment. Payments shall
13 be credited to the appropriation account under s. ~~20.530~~ 20.505 (1) (ir).”.

14 **406.** Page 177, line 22: after that line insert:

15 “**SECTION 347c.** 214.72 (1) (b) of the statutes is amended to read:

16 214.72 (1) (b) “Financial regulator” means the department secretary ~~and~~
17 ~~deputy secretary,~~ and an administrator, a supervisor of data processing, legal counsel
18 and a financial institution examiner employed by the department and includes any
19 member of a financial regulator’s immediate family, as defined in s. 19.42 (7).

20 **SECTION 347p.** 214.72 (3) of the statutes is amended to read:

21 214.72 (3) Within 30 days after commencing employment as a financial
22 regulator and at least once each year, each financial regulator, for himself or herself
23 and covering his or her immediate family, shall complete a written, sworn report
24 disclosing the nature of all business relationships with savings banks on forms

1 prescribed by the department. Each report shall be reviewed by the department,
2 except that the secretary's and ~~deputy secretary's~~ report shall be reviewed by the
3 review board. The reviewers shall determine if any business relationship is or
4 appears improper and, if so, may direct the termination of that business relationship
5 within a reasonable, prescribed time period.”.

6 **407.** Page 179, line 14: after that line insert:

7 “**SECTION 351n.** 218.0114 (23) (intro.) of the statutes is amended to read:

8 218.0114 (**23**) (intro.) After the receipt of an application in due form, properly
9 verified and certified, and upon the payment of the \$5 examination fee, the secretary,
10 ~~deputy secretary~~ or any salaried employee of the department of transportation
11 designated by the secretary shall, within a reasonable time and in a place reasonably
12 accessible to the applicant for a license, subject each first-time applicant for license
13 and, if the secretary deems necessary, any applicant for renewal of license to a
14 personal written examination as to competency to act as a motor vehicle salesperson.
15 The secretary shall issue to an applicant a resident or nonresident motor vehicle
16 salesperson's license if the application and examination show that the applicant
17 meets all of the following requirements:”.

18 **408.** Page 180, line 3: after that line insert:

19 “**SECTION 353m.** 221.0320 (3) (a) of the statutes, as affected by 2001 Wisconsin
20 Act 16, is amended to read:

21 221.0320 (**3**) (a) In this subsection, “local governmental unit” has the meaning
22 given in s. ~~22.01~~ 16.97 (7).”.

23 **409.** Page 180, line 18: after that line insert:

1 (c) The name of each person requesting credit information pertaining to the
2 individual during the 12 months before the date that the consumer reporting agency
3 provides the written disclosure report.

4 (d) The dates, original payees, and amounts of any checks upon which any
5 adverse characterization of the consumer is based.

6 (e) Any other information contained in the individual's file.

7 (f) A clear and concise explanation of the contents of the written disclosure
8 report.

9 (g) A summary of rights.

10 **(3) COST.** A consumer reporting agency shall provide the written disclosure
11 report required under sub. (1) free of charge, unless the individual has requested a
12 written disclosure report from the consumer reporting agency during the preceding
13 12 months.

14 **(4) EXCEPTIONS.** A consumer reporting agency may not disclose to an individual
15 making a request under sub. (1) any of the following:

16 (a) The sources of any information that was both acquired solely for use in
17 preparing an investigative consumer report and used for no other purpose.

18 (b) Any credit score or other risk score or predictor relating to the consumer.

19 **224.997 Penalties.** Any person who violates this subchapter may be fined not
20 more than \$500 for the first offense and may be fined not more than \$1,000 or
21 imprisoned for not more than 6 months or both for each subsequent offense occurring
22 within 6 months.”.

23 **410.** Page 180, line 18: after that line insert:

24 **“SECTION 358m.** 227.01 (13) (cm) of the statutes is created to read:

1 227.01 **(13)** (cm) Is an order under s. 196.1995 (5) (a) or 196.219 (3m) (a) 4. or
2 (b).”.

3 **411.** Page 180, line 19: delete lines 19 and 20.

4 **412.** Page 180, line 20: after that line insert:

5 “**SECTION 359f.** 227.43 (1) (bg) of the statutes is amended to read:

6 227.43 **(1)** (bg) Assign a hearing examiner to preside over any hearing or review
7 under ss. 49.45 (2) (a) 10. and 14., 84.30 (18), 84.31 (6) (a), 85.013 (1), 86.073 (3), 86.16
8 (5), 86.195 (9) (b), 86.32 (1), 101.935 (2) (b), 101.951 (7) (a) and (b), 114.134 (4) (b),
9 114.135 (9), 114.20 (19), 175.05 (4) (b), 194.145 (1), 194.46, 218.0114 (7) (d) and (12)
10 (b), 218.0116 (2), (4), (7) (a), (8) (a), and (10), 218.0131 (3), 218.11 (7) (a) and (b), 218.22
11 (4) (a) and (b), 218.32 (4) (a) and (b), 218.41 (4), 218.51 (5) (a) and (b), 341.09 (2m) (d),
12 342.26, 343.69, and 348.25 (9).”.

13 **413.** Page 180, line 20: after that line insert:

14 “**SECTION 362m.** 230.08 (2) (e) 1. of the statutes, as affected by 2001 Wisconsin
15 Act 16, is amended to read:

16 230.08 **(2)** (e) 1. Administration — ~~10~~ 11.

17 **SECTION 362p.** 230.08 (2) (e) 3r. of the statutes, as created by 2001 Wisconsin
18 Act 16, is repealed.”.

19 **414.** Page 180, line 20: after that line insert:

20 “**SECTION 361e.** 230.08 (2) (e) of the statutes, as affected by 2001 Wisconsin Act
21 16, is repealed.

22 **SECTION 361m.** 230.08 (2) (fs) of the statutes is repealed.

23 **SECTION 361r.** 230.08 (2) (g) of the statutes is amended to read:

1 230.08 (2) (g) One stenographer appointed by each elective executive officer,
2 and one ~~deputy or~~ assistant appointed by each elective executive officer except the
3 attorney general, secretary of state, state treasurer, and superintendent of public
4 instruction.”.

5 **415.** Page 180, line 21: delete lines 21 and 22 and substitute:

6 “**SECTION 363m.** 230.08 (2) (L) of the statutes is repealed.”.

7 **416.** Page 180, line 23: before that line insert:

8 “**SECTION 363r.** 230.08 (2) (m) of the statutes is repealed.

9 **SECTION 363t.** 230.08 (2) (mL) of the statutes is repealed.”.

10 **417.** Page 180, line 25: after that line insert:

11 “**SECTION 365c.** 230.08 (2) (yz) of the statutes is created to read:

12 230.08 (2) (yz) The executive director of the Wisconsin tribal–state council.”.

13 **418.** Page 180, line 25: after that line insert:

14 “**SECTION 365cb.** 230.08 (4) of the statutes is repealed.

15 **SECTION 365cm.** 230.12 (3) (e) (title) of the statutes is amended to read:

16 230.12 (3) (e) (title) *University of Wisconsin System senior executives, faculty,*
17 *and academic staff employees; Wisconsin director of the Wisconsin Technical College*
18 *System senior executives.*

19 **SECTION 365cp.** 230.12 (3) (e) 2. of the statutes, as created by 2001 Wisconsin
20 Act 29, is amended to read:

21 230.12 (3) (e) 2. The secretary, after receiving recommendations from the board
22 of the Technical College System, shall submit to the joint committee on employment
23 relations a proposal for adjusting compensation and employee benefits for ~~employees~~
24 the director of the Wisconsin Technical College System under s. 20.923 (7). The

1 proposal shall include the salary ranges and adjustments to the salary ranges for the
2 ~~general senior executive salary groups~~ director established under s. 20.923 (7).
3 Paragraph (b) and sub. (1) (bf) shall apply to the process for approval of all pay
4 adjustments for ~~such employees~~ the director. The proposal as approved by the joint
5 committee on employment relations and the governor shall be based upon a
6 percentage of the budgeted salary base for ~~such employees~~ the position under s.
7 20.923 (7).”.

8 **419.** Page 181, line 3: after that line insert:

9 “**SECTION 365e.** 230.35 (1m) (a) 2. of the statutes, as affected by 2001 Wisconsin
10 Act (this act), is amended to read:

11 230.35 **(1m)** (a) 2. A position designated in s. 19.42 (10) (L) or 20.923 (4), (7),
12 and (8), ~~and~~ (9).

13 **SECTION 365em.** 230.35 (1m) (a) 3. of the statutes is repealed.”.

14 **420.** Page 181, line 15: after that line insert:

15 “**SECTION 365j.** 231.03 (6) (intro.) of the statutes is amended to read:

16 231.03 **(6)** (intro.) Subject to s. 231.08 (7), issue bonds of the authority, ~~and may~~
17 ~~refuse to issue bonds of the authority only if it determines that the issuance would~~
18 ~~not be financially feasible, to do any of the following:”.~~

19 **421.** Page 181, line 15: after that line insert:

20 “**SECTION 365h.** 230.35 (2) of the statutes, as affected by 2001 Wisconsin Act
21 (this act), is amended to read:

22 230.35 **(2)** Leave of absence with pay owing to sickness and leave of absence
23 without pay, other than annual leave and leave under s. 103.10, shall be regulated
24 by rules of the secretary, except that unused sick leave shall accumulate from year

1 to year. After July 1, 1973, employees appointed to career executive positions under
2 the program established under s. 230.24 or positions designated in s. 19.42 (10) (L)
3 or 20.923 (4), (7), and (8), ~~and (9) or authorized under s. 230.08 (2) (e)~~ shall have any
4 unused sick leave credits restored if they are reemployed in a career executive
5 position or in a position under s. 19.42 (10) (L) or 20.923 (4), (7), and (8), ~~and (9) or~~
6 ~~authorized under s. 230.08 (2) (e)~~, regardless of the duration of their absence.
7 Restoration of unused sick leave credits if reemployment is to a position other than
8 those specified above shall be in accordance with rules of the secretary.”.

9 **422.** Page 182, line 9: after that line insert:

10 “SECTION 367e. 236.45 (2) (am) of the statutes is created to read:

11 236.45 (2) (am) An ordinance adopted under this section by a municipality may
12 require any person, as a condition of obtaining approval of a land division, to dedicate
13 land or pay fees to fund the acquisition of land or the construction of public
14 improvements or facilities for any purpose specified in sub. (1). Any fees that are
15 imposed as a condition of approving a land division shall bear a rational relationship
16 to the need for the land or new public improvements or facilities that are necessary
17 to serve the land division.”.

18 **423.** Page 182, line 10: delete that line.

19 **424.** Page 182, line 16: after that line insert:

20 “SECTION 369jd. 281.16 (3) (b) of the statutes is amended to read:

21 281.16 (3) (b) The department of agriculture, trade and consumer protection,
22 ~~in consultation with the department of natural resources,~~ shall promulgate rules
23 prescribing conservation practices to implement the performance standards and
24 prohibitions under par. (a) and specifying a process for the development and

1 dissemination of technical standards to implement the performance standards and
2 prohibitions under par. (a).

3 **SECTION 369je.** 281.16 (3) (c) of the statutes is amended to read:

4 281.16 (3) (c) Using the process specified under par. (b), the department of
5 ~~agriculture, trade and consumer protection, in consultation with the University of~~
6 Wisconsin-Extension, shall develop and disseminate technical standards to
7 implement the performance standards and prohibitions under par. (a). The
8 department of ~~agriculture, trade and consumer protection~~ shall disseminate
9 alternative technical standards for situations in which more than one method exists
10 to implement the performance standards and prohibitions.

11 **SECTION 369jg.** 281.16 (3) (e) of the statutes is amended to read:

12 281.16 (3) (e) An owner or operator of an agricultural facility or practice that
13 is in existence before October 14, 1997, may not be required by this state or a
14 municipality to comply with the performance standards, prohibitions, conservation
15 practices or technical standards under this subsection unless cost-sharing is
16 available, under s. 92.14 or 281.65 or from any other source, to the owner or operator.
17 For the purposes of this paragraph, sub. (4) and ss. 92.07 (2), 92.105 (1), ~~92.15~~ 93.38
18 (4) and 823.08 (3) (c) 2., the department of natural resources shall promulgate rules
19 that specify criteria for determining whether cost-sharing is available under s. 92.14
20 or 281.65 and the department of ~~agriculture, trade and consumer protection~~ shall
21 ~~promulgate rules that specify criteria for determining whether cost-sharing is~~
22 ~~available under s. 92.14 or from any other source.~~ The rules may not allow a
23 determination that cost-sharing is available to meet local regulations under s. 92.07
24 (2), 92.105 (1) or ~~92.15~~ 93.38 that are consistent with or that exceed the performance
25 standards, prohibitions, conservation practices or technical standards under this

1 subsection unless the cost-sharing is at least 70% of the cost of compliance or is from
2 70% to 90% of the cost of compliance in cases of economic hardship, as defined in the
3 rules.

4 **SECTION 369kd.** 281.20 (1) (a) of the statutes is amended to read:

5 281.20 (1) (a) Order or cause the abatement of pollution which the department,
6 in consultation with the ~~department of agriculture, trade and consumer protection~~
7 University of Wisconsin–Extension if the source is agricultural, has determined to
8 be significant and caused by a nonpoint source, as defined in s. 281.65 (2) (b),
9 including pollution which causes the violation of a water quality standard, pollution
10 which significantly impairs aquatic habitat or organisms, pollution which restricts
11 navigation due to sedimentation, pollution which is deleterious to human health or
12 pollution which otherwise significantly impairs water quality, except that under this
13 paragraph the department may not order or cause the abatement of any pollution
14 caused primarily by animal waste or of pollution from an agricultural source that is
15 located in a priority watershed or priority lake area unless the source is designated
16 as a critical site in a priority watershed or priority lake plan under s. 281.65 (5m) or
17 a modification to such a plan under s. 281.65 (5s).

18 **SECTION 369kh.** 281.20 (3) (c) of the statutes is amended to read:

19 281.20 (3) (c) If the nonpoint source which is the subject of a notice under par.
20 (a) is agricultural, the department shall send the notice to the ~~department of~~
21 ~~agriculture, trade and consumer protection~~ University of Wisconsin–Extension. The
22 ~~department of agriculture, trade and consumer protection~~ University of
23 Wisconsin–Extension shall do all of the following:

24 1. Upon receipt of the notice and in cooperation with the land conservation
25 committee, provide to the person whom the department has determined to be

1 responsible for the nonpoint source under sub. (1) (a) a listing of management
2 practices which, if followed, would reduce pollution to an amount determined to be
3 acceptable by the department, in consultation with either the ~~department of~~
4 ~~agriculture, trade and consumer protection~~ University of Wisconsin–Extension or
5 the land conservation committee. The list shall, with reasonable limits, set forth all
6 of the options which are available to the person to reduce pollution to that amount
7 of pollution. The ~~department of agriculture, trade and consumer protection~~ shall
8 provide to each person receiving a notice an explanation of financial aids and
9 technical assistance which may be available to the person for the abatement of
10 pollution or the implementation of best management practices from the department
11 ~~of agriculture, trade and consumer protection~~ under s. 92.14 and from other sources.

12 2. Issue a report to the department within one year after the date of the notice
13 describing the actions taken by the person receiving the notice and a
14 recommendation as to whether the department should issue an order to abate the
15 pollution or implement the best management practices. Notwithstanding par. (a),
16 the department may not issue an order until the department receives that report
17 unless the department determines that the pollution is causing or will cause severe
18 water quality degradation which could be mitigated or prevented by abatement
19 action taken in less than one year and unless the ~~department of agriculture, trade~~
20 ~~and consumer protection~~ University of Wisconsin–Extension files a concurring
21 determination in writing with the department within 30 days after receiving notice
22 of the department's determination.

23 **SECTION 369kk.** 281.20 (3) (d) 3. of the statutes is amended to read:

24 281.20 (3) (d) 3. If the nonpoint source is agricultural, the department provides
25 a copy of the temporary emergency order to the ~~department of agriculture, trade and~~

1 ~~consumer protection~~ University of Wisconsin-Extension and to the land
2 conservation committee created under s. 92.06 in every county in which the nonpoint
3 source is located.

4 **SECTION 369pc.** 281.65 (3) (f) of the statutes is amended to read:

5 281.65 (3) (f) Require the department ~~and the department of agriculture, trade~~
6 ~~and consumer protection~~ to conduct or contract for another person to conduct any
7 evaluation or audit of the program under this section and of individual priority
8 watershed or priority lake projects that the board determines is necessary.

9 **SECTION 369pf.** 281.65 (4) (as) of the statutes is amended to read:

10 281.65 (4) (as) Consult with the ~~department of agriculture, trade and consumer~~
11 ~~protection~~ University of Wisconsin-Extension in developing any federal grant
12 application under par. (ar). Every application is subject to s. 16.54 and shall include
13 the proposed expenditures of federal nonpoint source water pollution abatement
14 grant moneys and the allocation of such moneys between the department and the
15 ~~department of agriculture, trade and consumer protection~~ University of
16 Wisconsin-Extension.

17 **SECTION 369ph.** 281.65 (4) (dr) of the statutes is amended to read:

18 281.65 (4) (dr) Appoint a committee for each priority watershed and priority
19 lake, to advise the department, ~~the department of agriculture, trade and consumer~~
20 ~~protection~~ and the counties, cities and villages concerning all aspects of the nonpoint
21 source pollution abatement financial assistance program. Each committee shall
22 include at least 2 farmers as members if the priority watershed or priority lake area
23 includes property in agricultural use. Each committee shall include at least 2
24 representatives of a public inland lake protection and rehabilitation district that is
25 within the priority watershed or priority lake area or, if one does not exist, of riparian

1 property owners. Each committee for a priority watershed or priority lake area with
2 any area in the Milwaukee River basin shall include a member of the county board
3 from each county with any area in that priority watershed or priority lake area.

4 **SECTION 369pi.** 281.65 (4) (e) of the statutes is amended to read:

5 281.65 (4) (e) Promulgate rules, in consultation with the ~~department of~~
6 ~~agriculture, trade and consumer protection~~ University of Wisconsin–Extension, as
7 are necessary for the proper execution and administration of the program under this
8 section. Before promulgating rules under this paragraph, the department shall
9 submit the rules to the land and water conservation board for review under sub. (3)
10 (at). The rules shall include standards and specifications concerning best
11 management practices which are required for eligibility for cost-sharing grants
12 under this section. The standards and specifications shall be consistent with the
13 performance standards, prohibitions, conservation practices and technical
14 standards under s. 281.16. The department may waive the standards and
15 specifications in exceptional cases. The rules shall specify which best management
16 practices are cost-effective best management practices. Only persons involved in the
17 administration of the program under this section, persons who are grant recipients
18 or applicants and persons who receive notices of intent to issue orders under s. 281.20
19 (1) (b) are subject to the rules promulgated under this paragraph. Any rule
20 promulgated under this paragraph which relates or pertains to agricultural
21 practices relating to animal waste handling and treatment is subject to s. 13.565.

22 **SECTION 369pk.** 281.65 (4) (g) (intro.) of the statutes is amended to read:

23 281.65 (4) (g) (intro.) In cooperation with the ~~department of agriculture, trade~~
24 ~~and consumer protection and the appropriate governmental unit~~, prepare priority
25 watershed and priority lakes plans to implement nonpoint source water pollution

1 abatement projects in priority watersheds and priority lake areas. In preparing the
2 plans, the department shall:

3 **SECTION 369pL.** 281.65 (4) (g) 2. of the statutes is amended to read:

4 281.65 (4) (g) 2. Promote significant participation from ~~the department of~~
5 ~~agriculture, trade and consumer protection~~ and other state agencies, governmental
6 units and other persons located in any priority watershed or in any priority lake area
7 that is the subject of the plan.

8 **SECTION 369pn.** 281.65 (4) (g) 4. of the statutes is amended to read:

9 281.65 (4) (g) 4. In cooperation with the ~~department of agriculture, trade and~~
10 ~~consumer protection~~ University of Wisconsin-Extension, incorporate the
11 appropriate best management practices into the plan.

12 **SECTION 369pp.** 281.65 (4) (i) of the statutes is repealed.

13 **SECTION 369pr.** 281.65 (4) (L) of the statutes is amended to read:

14 281.65 (4) (L) Before September 1 of each year, ~~in consultation with the~~
15 ~~department of agriculture, trade and consumer protection~~, submit a budget report
16 to the board that includes anticipated expenditures for projects under this section
17 during the next year, criteria for ending projects under this section and, if anticipated
18 expenditures exceed anticipated funding, a plan for reducing expenditures.

19 **SECTION 369pt.** 281.65 (4) (o) of the statutes is amended to read:

20 281.65 (4) (o) Annually, ~~in cooperation with the department of agriculture,~~
21 ~~trade and consumer protection~~, submit a report on the progress of the program under
22 this section to the land and water conservation board.

23 **SECTION 369pu.** 281.65 (4) (p) of the statutes is amended to read:

24 281.65 (4) (p) ~~Jointly with the department of agriculture, trade and consumer~~
25 ~~protection, prepare~~ Prepare the plan required under s. 92.14 (13). ~~The department~~

1 ~~shall review and approve or disapprove the plan and shall notify the land and water~~
2 ~~conservation board of its final action on the plan. The department shall implement~~
3 ~~any part of the plan for which the plan gives it responsibility.~~

4 **SECTION 369pv.** 281.65 (4) (pm) of the statutes is amended to read:

5 281.65 (4) (pm) ~~Jointly with the department of agriculture, trade and consumer~~
6 ~~protection, develop~~ Develop the forms required and implement the process under s.
7 92.14 (14).

8 **SECTION 369px.** 281.65 (4c) (am) 2. of the statutes, as affected by 2001
9 Wisconsin Act 16, is amended to read:

10 281.65 (4c) (am) 2. The department, ~~in consultation with the department of~~
11 ~~agriculture, trade and consumer protection,~~ determines that funding provided under
12 s. 92.14 is insufficient to fund the project.

13 **SECTION 369pz.** 281.65 (4m) (c) of the statutes is amended to read:

14 281.65 (4m) (c) The department shall submit a copy of any plan it completes
15 under this subsection to any county located in or containing any watershed which is
16 a subject of the plan and to the ~~department of agriculture, trade and consumer~~
17 ~~protection~~ University of Wisconsin–Extension. ~~The department of agriculture, trade~~
18 ~~and consumer protection~~ University of Wisconsin–Extension shall review the plan
19 and notify the department of ~~natural resources~~ of its comments on the plan. A county
20 receiving a plan under this subsection shall review the plan, approve or disapprove
21 the plan and notify the department of ~~natural resources~~ of its action on the plan.

22 **SECTION 369qc.** 281.65 (4m) (d) of the statutes is amended to read:

23 281.65 (4m) (d) After the department considers the comments of the
24 ~~department of agriculture, trade and consumer protection~~ University of
25 Wisconsin–Extension on a plan under par. (c) and receives approval of the plan by

1 every county to which it was sent and by the land and water conservation board, the
2 department shall designate the plan to be an element of the appropriate areawide
3 water quality management plan under P.L. 92–500, section 208.

4 **SECTION 369qd.** 281.65 (5) (intro.) of the statutes is amended to read:

5 281.65 (5) (intro.) The department of ~~agriculture, trade and consumer~~
6 ~~protection, in consultation with the University of Wisconsin–Extension,~~ shall:

7 **SECTION 369qe.** 281.65 (5m) of the statutes is amended to read:

8 281.65 (5m) Upon completion of plans by the department under sub. (4) (g), and
9 (5) and the governmental unit or regional planning commission under sub. (4m) ~~and~~
10 ~~the department of agriculture, trade and consumer protection under sub. (5), and~~
11 upon receiving the approval of the land and water conservation board, the
12 department shall prepare and approve the final plan for a priority watershed or
13 priority lake.

14 **SECTION 369qh.** 281.65 (7) (a) 2. of the statutes is amended to read:

15 281.65 (7) (a) 2. A county land conservation committee receiving a request
16 under subd. 1. shall provide the owner or operator with a hearing and shall provide
17 reasonable notice of the hearing to the owner or operator, the department and the
18 ~~department of agriculture, trade and consumer protection~~ University of
19 Wisconsin–Extension. The county land conservation committee shall conduct the
20 hearing under this subdivision as an informal hearing. Section 68.11 (2) does not
21 apply to the hearing. The land conservation committee shall hold the hearing in a
22 place convenient to the owner or operator. Within 60 days after the hearing, the
23 department shall, and the ~~department of agriculture, trade and consumer protection~~
24 University of Wisconsin–Extension may, submit a report and recommendation to the
25 land conservation committee concerning the issues at the hearing. The land

1 conservation committee may affirm or reverse the designation of the site as a critical
2 site.

3 **SECTION 369qj.** 281.65 (10) of the statutes is amended to read:

4 281.65 (10) To the greatest extent practicable, the department, ~~the department~~
5 ~~of agriculture, trade and consumer protection~~ and the administering and
6 implementing governmental unit shall encourage and utilize the Wisconsin
7 conservation corps for appropriate projects.

8 **SECTION 369qL.** 281.65 (11) of the statutes, as affected by 2001 Wisconsin Act
9 16, is amended to read:

10 281.65 (11) Notwithstanding subs. (3) (am) and (3m), the South Fork of the Hay
11 River is a priority watershed for the period ending on June 30, 2005.
12 Notwithstanding subs. (2) (a), (4) (dm), (e), (em) and (g) 4., (4m) (b) 3. and (8) (b) and
13 (e), the department, in consultation with the local units of government involved with
14 the priority watershed project, shall establish guidelines for the types of nonpoint
15 source water pollution abatement practices to be eligible for cost-sharing grants in
16 the watershed. Notwithstanding sub. (8) (f), the amount of a cost-sharing grant in
17 the watershed may be based on the amount of pollution reduction achieved rather
18 than on the cost of the practices installed, using guidelines developed by the
19 department, in consultation with the local units of government involved with the
20 priority watershed project. In providing funding under s. 92.14 (3), the department
21 ~~of agriculture, trade and consumer protection~~ shall determine the amount of
22 matching funds required for staff for the priority watershed project as though the
23 funding termination date of June 30, 2005, had been in effect on October 6, 1998. The
24 department and the local governmental staff involved with the priority watershed

1 project shall evaluate the cost effectiveness of the project and the reduction in
2 nonpoint source water pollution associated with the project.

3 **SECTION 369sc.** 281.67 of the statutes is repealed.

4 **SECTION 369tc.** 281.695 (5) of the statutes is amended to read:

5 281.695 (5) Any municipality may participate in the state financial assistance
6 program for soil and water resources protection established under s. 281.55, 281.57
7 or 281.65 and may enter into agreements with the department of natural resources
8 for that purpose. Any municipality may participate in the clean water fund program
9 under ss. 281.58 and 281.59 and may enter into agreements with the department of
10 administration and the department of natural resources for that purpose. Any
11 county may participate in the state financial assistance program for soil and water
12 resources protection established under s. 92.14 and may enter into agreements with
13 the department of ~~agriculture, trade and consumer protection~~ natural resources for
14 that purpose.”.

15 **425.** Page 182, line 16: after that line insert:

16 “**SECTION 369gm.** 280.25 of the statutes is created to read:

17 **280.25 Report on aquifer recovery system. (1)** In this section:

18 (a) “Aquifer storage and recovery system” has the meaning given in s. 160.257
19 (1).

20 (b) “Municipal water system” has the meaning given in s. 160.257 (1) (c).

21 **(2)** The operator of a municipal water system that uses an aquifer storage and
22 recovery system shall submit a report to the department, no later than the first day
23 of the 60th month after beginning to operate the aquifer storage and recovery system,

1 describing the experience that the operator has had with using the aquifer storage
2 and recovery system.”.

3 **426.** Page 182, line 16: after that line insert:

4 “SECTION 369qm. 281.65 (12) of the statutes is created to read:

5 281.65 (12) Notwithstanding sub. (8), during fiscal year 2002–03, the
6 department shall make a payment under this section to a landowner who received
7 a notice of discharge under ch. 283, who entered into a cost–share agreement with
8 the department of agriculture, trade and consumer protection for a grant under s.
9 92.14 (4) (c), 1997 stats., and who complied with the cost–share agreement but who
10 did not receive the grant under s. 92.14 (4) (c), 1997 stats. The department shall
11 make a payment under this subsection in the amount to which the landowner would
12 have been entitled under the cost–share agreement with the department of
13 agriculture, trade and consumer protection. The department may not require a
14 landowner to file an application to receive payment under this subsection.”.

15 **427.** Page 182, line 16: after that line insert:

16 “SECTION 369m. 283.84 (1) (c) of the statutes, as affected by 2001 Wisconsin Act
17 16, is amended to read:

18 283.84 (1) (c) Reaches an agreement with the department or a local
19 governmental unit, as defined in s. ~~22.01~~ 16.97 (7), under which the person pays
20 money to the department or local governmental unit and the department or local
21 governmental unit uses the money to reduce water pollution in the project area.”.

22 **428.** Page 182, line 16: after that line insert:

23 “SECTION 369h. 255.06 (2) (h) of the statutes is created to read:

1 255.06 (2) (h) *Multiple sclerosis education.* Conduct a multiple sclerosis
2 education program to raise public awareness concerning the causes and nature of
3 multiple sclerosis and options for diagnosing and treating multiple sclerosis.”.

4 **429.** Page 186, line 6: after that line insert:

5 “**SECTION 372s.** 299.41 of the statutes is amended to read:

6 **299.41 Household hazardous waste.** The department shall establish and
7 administer a grant program to assist municipalities and regional planning
8 commissions in creating and operating local programs for the collection and disposal
9 of household hazardous waste.”.

10 **430.** Page 186, line 13: after that line insert:

11 “**SECTION 373g.** 301.03 (3) of the statutes is amended to read:

12 301.03 (3) ~~Administer~~ Subject to sub. (3a), administer parole, extended
13 supervision, and probation matters, except that the decision to grant or deny parole
14 to inmates shall be made by the parole commission, and the decision to revoke
15 probation, extended supervision, or parole in cases in which there is no waiver of the
16 right to a hearing shall be made by the division of hearings and appeals in the
17 department of administration. The secretary may grant special action parole
18 releases under s. 304.02. The department shall promulgate rules establishing a drug
19 testing program for probationers, parolees, and persons placed on extended
20 supervision. The rules shall provide for assessment of fees upon probationers,
21 parolees, and persons placed on extended supervision to partially offset the costs of
22 the program.

23 **SECTION 373r.** 301.03 (3a) of the statutes is created to read:

1 301.03 (3a) The department shall take steps to promote the increased
2 effectiveness of probation, extended supervision, and parole in Brown, Dane,
3 Kenosha, Milwaukee, Racine, and Rock counties. In each of these counties, the
4 department shall, beginning on the first day of the 10th month beginning after the
5 effective date of this subsection ... [revisor inserts date], develop a partnership with
6 the community, have strategies for local crime prevention, supervise offenders
7 actively, commit additional resources to enhance supervision and purchase services
8 for offenders, establish day reporting centers, and ensure that probation, extended
9 supervision, and parole agents, on average, supervise no more than 25 persons on
10 probation, extended supervision, or parole.”.

11 **431.** Page 187, line 7: after that line insert:

12 “**SECTION 377bc.** 301.048 (2m) of the statutes is repealed.

13 **SECTION 377be.** 301.048 (3) (a) (intro.) of the statutes is amended to read:

14 301.048 (3) (a) (intro.) The Subject to par. (bm), the department shall provide
15 each participant with one or more of the following sanctions:

16 **SECTION 377bg.** 301.048 (3) (a) 1. of the statutes is amended to read:

17 301.048 (3) (a) 1. Placement in a Type 1 prison or a jail, county reforestation
18 camp, residential treatment facility or community-based residential facility. ~~The~~
19 Except as provided in par. (bm), the department may not place a participant under
20 this paragraph for more than one year ~~or, if applicable, the period specified by the~~
21 ~~court under s. 973.032 (3) (b), whichever is shorter, except as provided in s. 973.032~~
22 (4).

23 **SECTION 377bi.** 301.048 (3) (b) of the statutes is amended to read:

1 301.048 (3) (b) ~~The Except as provided in par. (bm), the department may~~
2 provide the sanctions under par. (a) in any order and may provide more than one
3 sanction at a time. Subject to the cumulative time restrictions under ~~par. par.~~ (a)
4 1. and (bm) 2., the department may return to a sanction that was used previously for
5 a participant. A participant is not entitled to a hearing regarding the department's
6 exercise of authority under this subsection or its decision to not petition the court
7 under s. 973.032 (4m) (b) for permission to release a person from a placement under
8 par. (a) 1. unless the department provides for a hearing by rule.

9 **SECTION 377bj.** 301.048 (3) (bm) of the statutes is created to read:

10 301.048 (3) (bm) 1. The department shall initially place a person required to
11 participate in the intensive sanctions program under s. 973.032 (1) in a Type 1 prison
12 or a jail, county reforestation camp, residential treatment facility, or
13 community-based residential facility under par. (a) 1. Except as provided under
14 subd. 2. or unless, under sub. (4) (a), the person's extended supervision is revoked,
15 the department shall maintain the person in that placement until the court
16 authorizes the person's release from the placement under s. 973.032 (4m).

17 2. The department may not place a person described in subd. 1. in a placement
18 under par. (a) 1. for a total of more than 2 years.

19 **SECTION 377bL.** 301.048 (4) (a) of the statutes is amended to read:

20 301.048 (4) (a) A participant is in the custody and under the control of the
21 department, subject to its rules and discipline. A participant entering the program
22 under sub. (2) (am) 1. is a prisoner, except that he or she is a person on extended
23 supervision for the purposes of revocation if the department is precluded under sub.
24 (3) (bm) 2. from placing the person under sub. (3) (a) 1. A participant entering the
25 program under sub. (2) (am) 1. ~~or 2.~~ is a prisoner. A participant entering the program

1 under sub. (2) (am) 3. is a prisoner, except that he or she is a parolee for purposes of
2 revocation. A participant entering the program under sub. (2) (am) 3m. is a prisoner,
3 except that he or she remains a person on extended supervision for purposes of
4 revocation. A participant entering the program under sub. (2) (am) 4. is a prisoner,
5 except that he or she remains a probationer, parolee, or person on extended
6 supervision, whichever is applicable, for purposes of revocation.

7 **SECTION 377bn.** 301.048 (4) (ar) of the statutes is created to read:

8 301.048 (4) (ar) If a participant enters the program under sub. (2) (am) 1. and
9 his or her extended supervision is revoked, the time remaining on the bifurcated
10 sentence for the purposes of s. 302.113 (9) is the total length of the bifurcated
11 sentence, less time served by the person in custody under sub. (3) (a) 1. before release
12 to extended supervision.

13 **SECTION 377bp.** 301.048 (6) (a) of the statutes is amended to read:

14 301.048 (6) (a) Except as provided in ~~par. pars.~~ (b) and (c), the department may
15 discharge a participant from participation in the program and from departmental
16 custody and control at any time.

17 **SECTION 377br.** 301.048 (6) (c) of the statutes is created to read:

18 301.048 (6) (c) 1. If the department determines that a person participating
19 under sub. (2) (am) 1. has successfully completed the intensive sanctions program,
20 the department shall inform the court that sentenced the inmate.

21 2. Upon being informed by the department under subd. 1. that an inmate whom
22 the court sentenced under s. 973.01 has successfully completed the intensive
23 sanctions program, the court shall modify the inmate's bifurcated sentence as
24 follows:

1 a. The court shall reduce the term of confinement in prison portion of the
2 inmate’s bifurcated sentence in a manner that provides for the release of the inmate
3 to extended supervision within 30 days of the date on which the court receives the
4 information from the department under subd. 1.

5 b. The court shall lengthen the term of extended supervision imposed so that
6 the total length of the bifurcated sentence originally imposed does not change.”.

7 **432.** Page 187, line 7: after that line insert:

8 “**SECTION 377cm.** 301.12 (8) (d) of the statutes is amended to read:

9 301.12 **(8)** (d) After due regard to the case and to a spouse and minor children
10 who are lawfully dependent on the property for support, compromise or waive any
11 portion of any claim of the state or county for which a person specified under sub. (2)
12 is liable, but not any claim payable by an insurer under s. 632.89 (2) or ~~(2m)~~ (4m) or
13 by any other 3rd party.

14 **SECTION 377dm.** 301.12 (14) (a) of the statutes is amended to read:

15 301.12 **(14)** (a) Except as provided in pars. (b) and (c), liability of a person
16 specified in sub. (2) or s. 301.03 (18) for care and maintenance of persons under 17
17 years of age in residential, nonmedical facilities such as group homes, foster homes,
18 treatment foster homes, child caring institutions, and juvenile correctional
19 institutions is determined in accordance with the cost-based fee established under
20 s. 301.03 (18). The department shall bill the liable person up to any amount of
21 liability not paid by an insurer under s. 632.89 (2) or ~~(2m)~~ (4m) or by other 3rd-party
22 benefits, subject to rules which include formulas governing ability to pay
23 promulgated by the department under s. 301.03 (18). Any liability of the resident not

1 payable by any other person terminates when the resident reaches age 17, unless the
2 liable person has prevented payment by any act or omission.”.

3 **433.** Page 187, line 7: after that line insert:

4 “**SECTION 377b.** 301.205 (title) of the statutes is repealed and recreated to read:
5 **301.205 (title) Transportation for visits.**

6 **SECTION 377c.** 301.205 of the statutes is renumbered 301.205 (2).

7 **SECTION 377d.** 301.205 (1) of the statutes is created to read:

8 301.205 (1) (a) Except as provided in par. (b), the department may not use state
9 funds to transport persons visiting inmates in state prisons.

10 (b) The department may do any of the following to pay for the cost of
11 transporting persons visiting inmates in state prisons:

12 1. Charge a reasonable fee to persons to whom the transportation is provided.

13 2. Use money received from gifts, grants, donations, and burial trusts that is
14 provided for the purpose of paying for the cost of such transportation.”.

15 **434.** Page 189, line 18: after that line insert:

16 “**SECTION 383m.** 302.11 (1i) of the statutes is repealed.”.

17 **435.** Page 191, line 22: after “302.045 (3m) (b) 1.” insert “or 973.195 (1)”.

18 **436.** Page 191, line 23: after that line insert:

19 “**SECTION 392m.** 302.113 (3) (a) (intro.) of the statutes is amended to read:

20 302.113 (3) (a) (intro.) The warden or superintendent shall keep a record of the
21 conduct of each inmate subject to this section, specifying each infraction of the rules.
22 If an inmate subject to this section violates an order under s. 973.031 requiring him
23 or her to participate in a drug treatment program, violates any regulation of the
24 prison, or refuses or neglects to perform required or assigned duties, the department

1 may extend the term of confinement in prison portion of the inmate’s bifurcated
2 sentence as follows:”.

3 **437.** Page 194, line 20: delete that line and substitute “sentence. The Except
4 as provided in s. 301.048 (4) (ar), the time remaining on the bifurcated sentence is
5 the total length of the”.

6 **438.** Page 201, line 13: after that line insert:

7 “**SECTION 406s.** 302.114 (3) (a) (intro.) of the statutes is amended to read:

8 302.114 (3) (a) (intro.) The warden or superintendent shall keep a record of the
9 conduct of each inmate subject to this section, specifying each infraction of the rules.
10 If any an inmate subject to this section violates an order under s. 973.031 requiring
11 him or her to participate in a drug treatment program, violates any regulation of the
12 prison, or refuses or neglects to perform required or assigned duties, the department
13 may extend the extended supervision eligibility date set under s. 973.014 (1g) (a) 1.
14 or 2., whichever is applicable, as follows:”.

15 **439.** Page 205, line 20: after that line insert:

16 “**SECTION 420h.** 302.46 (1) (a) of the statutes is amended to read:

17 302.46 (1) (a) On or after October 1, 1987, if a court imposes a fine or forfeiture
18 for a violation of state law or for a violation of a municipal or county ordinance except
19 for a violation of s. 101.123 (2) (a), (am) 1., (ar) or (bm) or (5) or state laws or municipal
20 or county ordinances involving nonmoving traffic violations, headlamp violations
21 under s. 347.065 (1), or safety belt use violations under s. 347.48 (2m), the court, in
22 addition, shall impose a jail assessment in an amount of 1% of the fine or forfeiture
23 imposed or \$10, whichever is greater. If multiple offenses are involved, the court
24 shall determine the jail assessment on the basis of each fine or forfeiture. If a fine

1 or forfeiture is suspended in whole or in part, the court shall reduce the jail
2 assessment in proportion to the suspension.”.

3 **440.** Page 205, line 20: after that line insert:

4 “**SECTION 420m.** 302.43 of the statutes is amended to read:

5 **302.43 Good time.** Every inmate of a county jail is eligible to earn good time
6 in the amount of one-fourth of his or her term for good behavior if sentenced to at
7 least 4 days, but fractions of a day shall be ignored. An inmate shall be given credit
8 for time served prior to sentencing under s. 973.155, including good time under s.
9 973.155 (4). An inmate who violates an order under s. 973.031 requiring him or her
10 to participate in a drug treatment program, violates any law or any regulation of the
11 jail, or neglects or refuses to perform any duty lawfully required of him or her, may
12 be deprived by the sheriff of good time under this section, except that the sheriff shall
13 not deprive the inmate of more than 2 days good time for any one offense without the
14 approval of the court. An inmate who files an action or special proceeding, including
15 a petition for a common law writ of certiorari, to which s. 807.15 applies shall be
16 deprived of the number of days of good time specified in the court order prepared
17 under s. 807.15 (3).”.

18 **441.** Page 207, line 19: after that line insert:

19 “**SECTION 428n.** 304.02 (4) of the statutes is repealed.”.

20 **442.** Page 208, line 10: after that line insert:

21 “**SECTION 430m.** 304.06 (1y) of the statutes is repealed.”.

22 **443.** Page 208, line 13: delete that line and substitute “or s. 939.62 (2m) (c),
23 ~~961.49 (2)~~, 973.01 (6), or 973.014 (1) (c) or (1g) ~~or 973.032 (5)~~, he”.

24 **444.** Page 209, line 22: after that line insert:

1 **SECTION 432pb.** 340.01 (74v) of the statutes is created to read:

2 340.01 (74v) “Windshield” means the shield of safety glass, glass, or another
3 material, mounted forward of the passenger compartment of a motor vehicle, other
4 than a motor-driven cycle.

5 **SECTION 432pd.** 340.01 (74x) of the statutes is created to read:

6 340.01 (74x) “Windshield wiper” means a mechanical device for cleaning rain,
7 snow, or other moisture from the windshield of a vehicle.”.

8 **445.** Page 209, line 22: after that line insert:

9 **SECTION 432p.** 340.01 (20m) of the statutes is created to read:

10 340.01 (20m) “Hail-damaged vehicle” means a vehicle less than 7 years old
11 that is not precluded from subsequent registration and titling and which is damaged
12 solely by hail to the extent that the estimated or actual cost, whichever is greater, of
13 repairing the vehicle exceeds 70% of its fair market value.

14 **SECTION 432s.** 340.01 (55g) of the statutes is amended to read:

15 340.01 (55g) “Salvage vehicle” means a vehicle less than 7 years old that is not
16 precluded from subsequent registration and titling and which is damaged by
17 collision or other occurrence to the extent that the estimated or actual cost,
18 whichever is greater, of repairing the vehicle exceeds 70% of its fair market value.
19 The term does not include a hail-damaged vehicle unless the vehicle is repaired with
20 any replacement part, as defined in s. 632.38 (1) (e).”.

21 **446.** Page 210, line 11: after that line insert:

22 **SECTION 435m.** 342.10 (3) (h) of the statutes is created to read:

1 342.10 (3) (h) That the vehicle was a hail-damaged vehicle. This paragraph
2 does not apply to a hail-damaged vehicle that was repaired with any replacement
3 part, as defined in s. 632.38 (1) (e).”.

4 **447.** Page 211, line 3: after that line insert:

5 “**SECTION 439s.** 343.23 (2) (c) of the statutes is created to read:

6 343.23 (2) (c) The file for a licensee under par. (a) shall not include any
7 conviction under s. 347.065 (1) or a local ordinance in conformity therewith or a law
8 of a federally recognized American Indian tribe or band in this state in conformity
9 with s. 347.065 (1) or the law of another jurisdiction prohibiting operating a vehicle
10 at any time that a windshield wiper is being used without lighted headlamps, tail
11 lamps, or clearance lamps, as those or substantially similar terms are used in that
12 jurisdiction’s laws.”.

13 **448.** Page 211, line 13: after that line insert:

14 “**SECTION 442g.** 344.576 (3) (a) 5. of the statutes is amended to read:

15 344.576 (3) (a) 5. The address and telephone number of the department of
16 agriculture, ~~trade and consumer protection~~ justice.

17 **SECTION 442m.** 344.576 (3) (c) of the statutes is amended to read:

18 344.576 (3) (c) The department of agriculture, ~~trade and consumer protection~~
19 justice shall promulgate rules specifying the form of the notice required under par.
20 (a), including the size of the paper and the type size and any highlighting of the
21 information described in par. (a). The rule may specify additional information that
22 must be included in the notice and the precise language that must be used.

23 **SECTION 442r.** 344.579 (2) (intro.) of the statutes is amended to read:

1 344.579 **(2)** ENFORCEMENT. (intro.) The department of ~~agriculture, trade and~~
2 ~~consumer protection~~ justice shall investigate violations of ss. 344.574, 344.576 (1),
3 (2) and (3) (a) and (b), 344.577 and 344.578. The department of ~~agriculture, trade~~
4 ~~and consumer protection~~ justice may on behalf of the state.”.

5 **449.** Page 215, line 7: after that line insert:

6 “**SECTION 461j.** 346.94 (19) of the statutes is created to read:

7 346.94 **(19)** ENGINE BRAKING. (a) In this subsection, “engine brake” means a
8 hydraulically operated device that converts a power-producing diesel engine into a
9 power-absorbing, retarding mechanism that is used to augment or replace the use
10 of the primary brake system or mechanism on a motor vehicle.

11 (b) No operator of a motor vehicle may use engine brakes on the exit ramps from
12 I 94 to STH 25 proceeding northerly in the city of Menomonie in Dunn County. The
13 department shall erect a sign approaching each exit ramp on I 94 indicating the
14 prohibition to give adequate warning to motorists. This paragraph is not effective
15 until official signs giving notice of the prohibition have been erected by the
16 department.

17 (c) Paragraph (b) does not apply to any of the following:

18 1. The operator of an authorized emergency vehicle, when responding to an
19 emergency call or when in pursuit of an actual or suspected violator of the law or
20 when responding to but not upon returning from a fire alarm.

21 2. The use of engine brakes in an emergency situation that poses a significant
22 risk of death or bodily harm.

23 **SECTION 461no.** 346.95 (1) of the statutes is amended to read:

1 346.95 (1) Any person violating s. ~~ss.~~ 346.87, 346.88, 346.89 (2), 346.90 to
2 346.92 or 346.94 (1), (9), (10), (11), (12) ~~or~~ (15), or (19) may be required to forfeit not
3 less than \$20 nor more than \$40 for the first offense and not less than \$50 nor more
4 than \$100 for the 2nd or subsequent conviction within a year.”.

5 **450.** Page 215, line 7: after that line insert:

6 “**SECTION 461b.** 347.06 (1) of the statutes is amended to read:

7 347.06 (1) Except as provided in subs. (2) and (4), no person may operate a
8 vehicle upon a highway during hours of darkness unless all headlamps, tail lamps
9 and clearance lamps with which such vehicle is required to be equipped are lighted.
10 Parking lamps as ~~defined~~ described in s. 347.27 shall not be used for this purpose.

11 **SECTION 461d.** 347.065 of the statutes is created to read:

12 **347.065 Lighted headlamps required; windshield wipers. (1)** Except as
13 provided in subs. (2) to (4), no person may operate a vehicle upon a highway at any
14 time that a windshield wiper is being used on the windshield of the vehicle unless
15 all headlamps, tail lamps, and clearance lamps with which such vehicle is required
16 to be equipped are lighted. Parking lamps as described in s. 347.27 shall not be used
17 for this purpose.

18 **(2)** Subsection (1) does not apply to temporary use of a windshield wiper for the
19 sole purpose of cleaning the windshield or if lamps that are automatically activated
20 whenever the vehicle is started are in use, if the headlamps are of sufficient intensity
21 to satisfy the requirements for daytime running lamps under 49 CFR 571.108,
22 S5.5.11 (a).

1 **(3)** Headlamps need not be lighted on a towed vehicle or on a vehicle having
2 at least 2 lighted adverse weather lamps on the front thereof and being operated
3 under the circumstances described in s. 347.26 (3) (b).

4 **(4)** A duly authorized warden, as defined in s. 24.01 (11), may operate a vehicle
5 owned or leased by the department of natural resources upon a highway at any time
6 that a windshield wiper is being used on the windshield of the vehicle without lighted
7 headlamps, tail lamps, or clearance lamps in the performance of the warden's duties
8 under s. 29.924 (2).

9 **(5)** Notwithstanding s. 349.02, a law enforcement officer may not stop or
10 inspect a vehicle solely to determine compliance with this section or a local ordinance
11 in conformity with this section. This subsection does not limit the authority of a law
12 enforcement officer to issue a citation for a violation of this section or a local
13 ordinance in conformity with this section observed in the course of a stop or
14 inspection made for other purposes, except that a law enforcement officer may not
15 take a person into physical custody solely for a violation of this section or a local
16 ordinance in conformity with this section.

17 **SECTION 461f.** 347.09 (1) (intro.) of the statutes is amended to read:

18 347.09 **(1)** (intro.) No person shall operate a motor vehicle on a highway, during
19 hours of darkness or, subject to the exceptions contained in s. 347.065 (2), at any time
20 that a windshield wiper is being used on the windshield of the vehicle, unless such
21 vehicle is equipped as follows:

22 **SECTION 461i.** 347.10 (4) of the statutes is amended to read:

23 347.10 **(4)** Any motor vehicle may be operated during hours of darkness or,
24 subject to the exceptions contained in s. 347.065 (2), at any time that a windshield
25 wiper is being used on the windshield of the vehicle, when equipped with 2 lighted

1 lamps upon the front thereof capable of revealing persons and objects 75 feet ahead
2 in lieu of lamps required by subs. (1) to (3) if such vehicle at no time is operated at
3 a speed in excess of 20 miles per hour. No lighted lamp under this subsection shall
4 have any type of decorative covering that restricts the amount of light emitted when
5 the lighted lamp is in use. This subsection does not apply to any type of decorative
6 covering originally equipped on the vehicle at the time of manufacture and sale.

7 **SECTION 461k.** 347.12 (1) (intro.) of the statutes is amended to read:

8 347.12 (1) (intro.) Whenever a motor vehicle is being operated on a highway,
9 during hours of darkness or, subject to the exceptions contained in s. 347.065 (2), at
10 any time that a windshield wiper is being used on the windshield of the vehicle, the
11 operator shall use a distribution of light or composite beam directed high enough and
12 of sufficient intensity to reveal a person or vehicle at a safe distance in advance of
13 the vehicle, subject to the following requirements and limitations:

14 **SECTION 461m.** 347.13 (1) of the statutes is amended to read:

15 347.13 (1) No person shall operate a motor vehicle, mobile home or trailer or
16 semitrailer upon a highway, during hours of darkness or, subject to the exceptions
17 contained in s. 347.065 (2), at any time that a windshield wiper is being used on the
18 windshield of the vehicle, unless such motor vehicle, mobile home or trailer or
19 semitrailer is equipped with at least one tail lamp mounted on the rear which, when
20 lighted during hours of darkness or, subject to the exceptions contained in s. 347.065
21 (2), at any time a windshield wiper is being used on the windshield of the vehicle,
22 emits a red light plainly visible from a distance of 500 feet to the rear. No tail lamp
23 shall have any type of decorative covering that restricts the amount of light emitted
24 when the tail lamp is in use. No vehicle originally equipped at the time of
25 manufacture and sale with 2 tail lamps shall be operated upon a highway during

1 hours of darkness unless both such lamps are in good working order. This subsection
2 does not apply to any type of decorative covering originally equipped on the vehicle
3 at the time of manufacture and sale.

4 **SECTION 461p.** 347.16 (1) (intro.) of the statutes is amended to read:

5 347.16 (1) (intro.) No person shall operate on a highway ~~during hours of~~
6 ~~darkness~~ any vehicle, except automobiles, having a width at any part in excess of 80
7 inches during hours of darkness or, subject to the exceptions contained in s. 347.065
8 (2), at any time that a windshield wiper is being used on the windshield of the vehicle,
9 unless such vehicle is equipped with:

10 **SECTION 461q.** 347.16 (2) (intro.) of the statutes is amended to read:

11 347.16 (2) (intro.) No person shall operate any of the following vehicles on a
12 highway, during hours of darkness or, subject to the exceptions contained in s.
13 347.065 (2), at any time that a windshield wiper is being used on the windshield of
14 the vehicle, unless such vehicles are equipped as indicated:

15 **SECTION 461s.** 347.30 (1) of the statutes is amended to read:

16 347.30 (1) Any person violating s. 347.06, 347.065, or 347.13 (2), (3) or (4) may
17 be required to forfeit not less than \$10 nor more than \$20 for the first offense and not
18 less than \$25 nor more than \$50 for the 2nd or subsequent conviction within a year.

19 **SECTION 461v.** 347.42 of the statutes is amended to read:

20 **347.42 Windshield wipers.** No person may operate on a highway any motor
21 vehicle equipped with a windshield, except a moped or Type 1 motorcycle, unless the
22 motor vehicle also is equipped with a ~~device for cleaning rain, snow or other moisture~~
23 ~~from the windshield.~~ windshield wiper. The windshield wiper shall be
24 so constructed as to be controlled or operated by the operator of the vehicle and shall
25 at all times be maintained in good working order.”.

1 **451.** Page 215, line 7: after that line insert:

2 “**SECTION 461u.** 349.067 of the statutes is created to read:

3 **349.067 Traffic control signal emergency preemption devices. (1)**

4 Notwithstanding s. 349.065, any traffic control signal installed by a local authority
5 after the effective date of this section [revisor inserts date], that is equipped with
6 an emergency preemption device, as defined in s. 84.02 (15) (a) 4., shall be installed
7 with a confirmation signal, as defined in s. 84.02 (15) (a) 3.

8 **(2)** Notwithstanding s. 349.065, any new traffic control signal installed by a
9 local authority after the effective date of this section [revisor inserts date], that
10 is not equipped with an emergency preemption device shall include all electrical
11 wiring necessary to equip the traffic control signal with an emergency preemption
12 device and confirmation signal.”.

13 **452.** Page 215, line 14: after that line insert:

14 “**SECTION 464bb.** 440.05 (intro.) of the statutes, as affected by 2001 Wisconsin
15 Act 16, is amended to read:

16 **440.05 Standard fees.** (intro.) The following standard fees apply to all initial
17 credentials, except as provided in ss. 440.42, 440.43, 440.44, 440.51, 444.03, 444.05,
18 444.11, 447.04 (2) (c) 2., 449.17, 449.18 and 459.46:

19 **SECTION 464bd.** 440.08 (2) (a) (intro.) of the statutes, as affected by 2001
20 Wisconsin Act 16, is amended to read:

21 440.08 **(2)** (a) (intro.) Except as provided in par. (b) and in ss. 440.51, 442.04,
22 444.03, 444.05, 444.11, 448.065, 447.04 (2) (c) 2., 449.17, 449.18 and 459.46, the
23 renewal dates and renewal fees for credentials are as follows:

24 **SECTION 464bf.** 440.23 (1) of the statutes is amended to read:

1 440.23 (1) If the holder of a credential pays a fee required under s. 440.05 (1)
2 or (6), 440.08, 444.03, 444.05, 444.11 or 459.46 (2) (b) by check or debit or credit card
3 and the check is not paid by the financial institution upon which the check is drawn
4 or if the demand for payment under the debit or credit card transaction is not paid
5 by the financial institution upon which demand is made, the department may cancel
6 the credential on or after the 60th day after the department receives the notice from
7 the financial institution, subject to sub. (2).

8 **SECTION 464bh.** 444.01 of the statutes is created to read:

9 **444.01 Definitions.** In this chapter:

10 (1) “Amateur boxing contest” means a boxing contest or exhibition in which
11 none of the boxers are compensated for participating in the contest or exhibition.

12 (2) “Professional boxing contest” means a boxing contest or exhibition in which
13 one or more of the boxers is compensated for participating in the contest or
14 exhibition.

15 **SECTION 464bj.** 444.02 of the statutes is amended to read:

16 **444.02 Boxing licenses, permits.** The department shall have the sole
17 direction, management and control of, and jurisdiction over, all ~~boxing and sparring~~
18 ~~exhibitions~~ professional boxing contests conducted within the state by any club. No
19 ~~boxing or sparring exhibitions~~ professional boxing contests may be conducted within
20 the state except under authority granted by the department and in accordance with
21 this chapter and the rules of the department. The department may issue, and for
22 cause limit, suspend, or revoke, a license to conduct ~~boxing and sparring exhibitions~~
23 professional boxing contests to any incorporated club formed as provided in this
24 chapter. The department may limit the number of ~~sparring or boxing exhibitions~~
25 professional boxing contests given by any club in any city, village, or town. No ~~boxing~~

1 ~~or sparring exhibition~~ professional boxing contest may be conducted by any licensed
2 club without a permit from the department. Every license shall be subject to such
3 rules and regulations as the department prescribes. The department may
4 reprimand clubs for violating this chapter or any rules of the department.

5 **SECTION 464bL.** 444.03 of the statutes is amended to read:

6 **444.03 Application for license; fee.** No ~~boxing or sparring exhibition~~
7 professional boxing contest may be conducted by any club except by license granted
8 to it by the department, and no club may be licensed unless it is incorporated under
9 the laws of Wisconsin and its membership is limited to persons who have been
10 continuous residents in the state for at least one year. An application for a license
11 shall be in writing, addressed to the department, and verified by an officer of the club.
12 An application shall be accompanied by an annual fee of \$25 in cities, villages, and
13 towns of not more than 50,000 inhabitants, \$50 in cities of over 50,000 and not more
14 than 150,000 inhabitants, and \$300 in cities of over 150,000 inhabitants when the
15 admission is over \$1 and \$50 when the admission charge is \$1 or less. The
16 application must show that the club has entered into a valid agreement for the use
17 of the building, amphitheater, or stadium in which contests are to be held.

18 **SECTION 464bn.** 444.04 of the statutes is amended to read:

19 **444.04 Club reports.** Within 24 hours after a club holds ~~an exhibition a~~
20 professional boxing contest, the club shall furnish to the department a written
21 report, verified by one of its officers, showing the number of tickets sold for the
22 ~~exhibition contest~~, the amount of gross proceeds, and all other information the
23 department requires by rule to be included in the report.

24 **SECTION 464bp.** 444.05 of the statutes is repealed and recreated to read:

1 **444.05 Amateur boxing contests.** A person may conduct an amateur boxing
2 contest in this state only if the contest is sanctioned by and conducted under the rules
3 of the national governing body for amateur boxing that is recognized by the United
4 States Olympic Committee under 36 USC 220521.

5 **SECTION 464br.** 444.06 of the statutes is amended to read:

6 **444.06 Inspectors.** The department shall appoint official “inspectors”, each
7 of whom shall receive a card authorizing the inspector to act wherever the
8 department designates. The department may be, and at least one inspector shall be
9 present at all ~~exhibitions~~ professional boxing contests and see that the rules are
10 strictly observed. An inspector shall also be present at the counting up of the gross
11 receipts and shall immediately mail to the department the official box-office
12 statement received from the club. Inspectors shall be paid a per diem to be set by the
13 department, not to exceed \$25 for each day on which they are actually and
14 necessarily engaged in the performance of their duties, and shall be reimbursed for
15 their actual and necessary expenses incurred in the performance of their duties.

16 **SECTION 464bt.** 444.09 (1) of the statutes is amended to read:

17 444.09 (1) No ~~boxing or sparring exhibition~~ professional boxing contest shall
18 be for more than 10 rounds except that where a championship is to be determined,
19 the ~~exhibition~~ contest shall not be for more than 15 rounds, and no round shall last
20 more than 3 minutes.

21 **SECTION 464bv.** 444.09 (2) of the statutes is amended to read:

22 444.09 (2) There shall be one minute intermission between rounds of
23 professional boxing contests.

24 **SECTION 464bx.** 444.09 (3) of the statutes is amended to read:

1 444.09 (3) Gloves weighing not less than 5 ounces shall be worn by contestants
2 who are in professional boxing contests and who weigh under 140 pounds, and not
3 less than 6 ounces by other contestants.

4 **SECTION 464bz.** 444.09 (4) of the statutes is amended to read:

5 444.09 (4) No person under the age of 18 years shall participate in any
6 professional boxing ~~or sparring exhibition.~~ Amateur contestants between 14 and 18
7 years of age ~~may participate in amateur boxing or sparring exhibitions with the~~
8 ~~consent of their parents or guardians~~ contest.

9 **SECTION 464cb.** 444.09 (5) of the statutes is amended to read:

10 444.09 (5) No betting at any ~~boxing or sparring exhibitions~~ professional boxing
11 contest shall be permitted before, after, or during any such contest, in the building
12 where the contest is held.

13 **SECTION 464cd.** 444.09 (6) of the statutes is amended to read:

14 444.09 (6) Contestants in professional boxing contests shall break clean, and
15 must not hold and hit. Butting with head or shoulders, wrestling, or illegal use of
16 elbows shall not be allowed. There shall be no unsportsmanlike conduct on the part
17 of the contestants. This includes the use of abusive or insulting language.

18 **SECTION 464cf.** 444.09 (7) of the statutes is amended to read:

19 444.09 (7) The department may allow or provide for decisions upon ~~exhibitions~~
20 professional boxing contests held under this chapter to be made by the referee or by
21 the referee and 2 judges appointed by the department under regulations prescribed
22 by the department.

23 **SECTION 464ch.** 444.10 of the statutes is amended to read:

24 **444.10 Physician to examine contestants.** Prior to entering the ring, each
25 contestant in a professional boxing contest must be examined by a physician who has

1 been licensed to practice in Wisconsin not less than 5 years and who is appointed by
2 the department and certifies in writing, over his or her signature, as to the
3 contestant's physical and mental fitness to engage in such contest.

4 **SECTION 464cj.** 444.11 of the statutes is amended to read:

5 **444.11 Licenses to matchmakers, referees, boxers, etc.** The department
6 may grant licenses upon application and the payment of the prescribed fees to
7 matchmakers, managers, referees, examining physicians, boxers and seconds, and
8 trainers in professional boxing contests. The fees to be paid per year shall be:
9 Matchmakers in cities with a population of over 150,000, \$25; matchmakers in other
10 cities and in villages and towns, \$10; managers, \$10; referees, \$15; examining
11 physicians, \$10; boxers, \$5; seconds and trainers, \$5. The department may limit,
12 suspend or revoke any such license or reprimand the holder thereof upon such cause
13 as it deems sufficient.

14 **SECTION 464cL.** 444.12 of the statutes is amended to read:

15 **444.12 Referee to stop contest.** The referee must stop the a professional
16 boxing contest when either of the contestants shows a marked superiority or is
17 apparently outclassed.

18 **SECTION 464cn.** 444.13 of the statutes is amended to read:

19 **444.13 Sham matches contests, license revoked.** Any club which that
20 conducts, holds or gives, or participates in any sham or fake ~~boxing or sparring~~
21 match professional boxing contest shall thereby forfeit its license which. That
22 license shall ~~thereupon~~ be revoked by the department; and it the club shall not
23 ~~thereafter~~ be entitled to another license; nor shall any license be issued to any club,
24 which that has a member who belonged to a club which that had its license revoked.

25 **SECTION 464cp.** 444.14 of the statutes is amended to read:

1 **444.14 Sham matches contests; contestants penalized; forfeitures;**
2 **hearing.** Any contestant who participates in any sham or fake ~~boxing or sparring~~
3 ~~exhibition~~ professional boxing contest or violates any rule or regulation of the
4 department shall be penalized as follows: For the first offense the contestant shall
5 be restrained by order of the department for not less than 2 months nor more than
6 one year, the period to begin immediately after the occurrence of the offense, from
7 participation in the ~~exhibition~~ contest to be held or given by any licensed club; for a
8 2nd offense, the contestant shall be permanently disqualified from further
9 admission or participation in any such ~~exhibition~~ contest held or given by any
10 licensed club and in addition, for each such offense, shall forfeit such amount, out of
11 the share or purse agreed to be paid the contestant for the ~~exhibition~~ contest as the
12 department determines, the forfeit to be paid into the general fund of the state. The
13 department, upon determining the amount of the forfeit, may pay the same out of any
14 guarantee deposited with it for delivery to the contestant or may order it paid to the
15 department by the club employing the contestant out of the purse or share agreed by
16 it to be paid to the contestant. The department shall not determine the forfeit until
17 after due hearing held upon reasonable notice duly served upon the contestant or the
18 contestant's manager and upon the club by whom the contestant is employed. Any
19 member of the department or the secretary or any inspector of the department may
20 order the club to hold the share or purse of the contestant in its possession pending
21 the hearing and determination of the department. For failure to obey any order of
22 the department or the secretary of the department or any inspector of the
23 department given under this section, the license of the club may be limited,
24 suspended, canceled, or revoked, and the club may be reprimanded.

25 **SECTION 464cr.** 444.15 of the statutes is amended to read:

1 **444.15 Reports; examination of books and officers.** Whenever any club
2 fails to make a report of any professional boxing contest at the time prescribed or
3 whenever a report is unsatisfactory to the department, the secretary of the
4 department may examine the books and records of the club and may subpoena and
5 examine, under oath, the club’s officers and other witnesses to determine the total
6 amount of its gross receipts for any exhibition contest. The secretary may require
7 the club to pay the expenses of conducting the examination. If a club fails to pay the
8 amount of expenses determined by the secretary to be due within 20 days after
9 receiving notice of the amount, the club shall forfeit its license, be disqualified from
10 receiving any license under this chapter, and forfeit to the state the sum of \$1,000,
11 which may be recovered by the department of justice in the name of the state.

12 **SECTION 464ct.** 444.17 of the statutes is repealed.

13 **SECTION 464cv.** 444.18 of the statutes is amended to read:

14 **444.18 Insurance on boxers.** Any licensee authorized to conduct ~~boxing~~
15 ~~matches or exhibitions~~ professional boxing contests shall insure each contestant
16 participating ~~therein~~ for hospital, nursing, and medication expenses and physician’s
17 and surgeon’s services according to an equitable fee schedule, not to exceed in the
18 aggregate \$500, to be paid to, or for the use of, any contestant to compensate for
19 injuries sustained in any such contest; and shall insure each contestant for not less
20 than \$2,500 to be paid to the contestant’s estate in the event of the contestant’s death
21 as the result of participation in such ~~boxing match or exhibition~~ professional boxing
22 contest.”.

23 **453.** Page 215, line 14: after that line insert:

24 **“SECTION 464d.** 409.519 (9) of the statutes is created to read:

1 409.519 (9) INAPPLICABILITY TO REAL-PROPERTY-RELATED FILING OFFICE.

2 Subsection (2) does not apply to a filing office described in s. 409.501 (1) (a).

3 **SECTION 464f.** 409.523 (3) (intro.) of the statutes, as affected by 2001 Wisconsin
4 Act 10, is amended to read:

5 409.523 (3) COMMUNICATION OF REQUESTED INFORMATION. (intro.) The filing
6 office described in s. 409.501 (1) (b) shall communicate or otherwise make available
7 in a record the following information to any person that requests it:

8 **SECTION 464g.** 409.528 of the statutes, as affected by 2001 Wisconsin Act
9 (this act), is repealed.

10 **SECTION 464h.** 409.528 (1) (title) of the statutes, as affected by 2001 Wisconsin
11 Act 10, is repealed.

12 **SECTION 464i.** 409.528 (1) of the statutes, as affected by 2001 Wisconsin Act 10,
13 is renumbered 409.528.

14 **SECTION 464j.** 409.528 (2) of the statutes, as affected by 2001 Wisconsin Act 10,
15 is repealed.

16 **SECTION 464m.** 409.617 (1) (c) of the statutes, as affected by 2001 Wisconsin
17 Act 10, is amended to read:

18 409.617 (1) (c) Discharges any subordinate security interest or other
19 subordinate lien ~~other than liens held by this state or a local governmental unit, as~~
20 ~~defined in s. 19.42 (7u).~~”.

21 **454.** Page 218, line 2: after that line insert:

22 “**SECTION 474k.** 560.02 (2) of the statutes is amended to read:

1 560.02 (2) Appoint the administrators for the various divisions of the
2 department subject to ~~s. 230.08 (4) (a). Administrators appointed under the~~
3 ~~unclassified service shall serve at the pleasure of the secretary.”.~~

4 **455.** Page 220, line 22: after that line insert:

5 “**SECTION 504p.** 562.025 (1) (intro.) of the statutes is amended to read:

6 562.025 (1) (intro.) No employee in the division of gaming who performs any
7 duty related to racing or the ~~executive assistant or the secretary or deputy secretary~~
8 of administration and no member of such a person’s immediate family, as defined in
9 s. 19.42 (7), may, while that person is employed or serves in such a capacity or for 2
10 years following the termination of his or her employment with the department after
11 having served in such a capacity, do any of the following:”.

12 **456.** Page 221, line 4: after that line insert:

13 “**SECTION 506r.** 563.93 (4) of the statutes is amended to read:

14 563.93 (4) Tickets for a proposed raffle may not be offered for sale more than
15 ~~180~~ 270 days before the raffle drawing.”.

16 **457.** Page 221, line 4: after that line insert:

17 “**SECTION 506d.** 563.05 (5) (intro.) of the statutes is amended to read:

18 563.05 (5) (intro.) No employee in the division of gaming who performs any
19 duty related to bingo or raffles or the ~~executive assistant or the secretary or deputy~~
20 secretary of administration and no member of such a person’s immediate family, as
21 defined in s. 19.42 (7), may, while that person is employed or serves in such a capacity
22 or for 2 years following the termination of his or her employment with the
23 department after having served in such a capacity, do any of the following:

24 **SECTION 506n.** 564.02 (2m) (intro.) of the statutes is amended to read:

1 564.02 **(2m)** CONFLICTS OF INTEREST. (intro.) No employee in the division of
2 gaming who performs any duty related to crane games or the ~~executive assistant or~~
3 ~~the secretary or deputy~~ secretary of administration and no member of such a person's
4 immediate family, as defined in s. 19.42 (7), may, while that person is employed in
5 such a capacity or for 2 years following the termination of his or her employment with
6 the department, do any of the following:

7 **SECTION 506r.** 565.05 (1) (intro.) of the statutes is amended to read:

8 565.05 **(1)** (intro.) No employee in the lottery division of the department or the
9 ~~executive assistant or the secretary or deputy~~ secretary of revenue may do any of the
10 following:

11 **SECTION 506t.** 565.05 (1) (a) of the statutes is amended to read:

12 565.05 **(1)** (a) Have a direct or indirect interest in, or be employed by, any
13 vendor while serving as an employee in the lottery division of the department or as
14 the ~~executive assistant or as secretary or deputy~~ secretary of revenue or for 2 years
15 following the person's termination of service.

16 **SECTION 506y.** 565.17 (5) (a) of the statutes is amended to read:

17 565.17 **(5)** (a) No employee in the lottery division of the department or the
18 ~~executive assistant or the secretary or deputy~~ secretary of revenue and no member
19 of such a person's immediate family, as defined in s. 19.42 (7), may purchase a lottery
20 ticket or lottery share.”.

21 **458.** Page 221, line 13: after that line insert:

22 “**SECTION 508r.** 601.34 of the statutes is created to read:

23 **601.34 Loan to general fund. (1)** No later than the first day of the 2nd month
24 beginning after the effective date of this subsection [revisor inserts date], an

1 amount equal to \$850,000 shall be lapsed from the appropriation account under s.
2 20.145 (1) (g) to the general fund. The amount lapsed from the appropriation account
3 shall be considered a loan to the general fund and interest shall accrue on the amount
4 lapsed at the average rate earned by the state on its deposits in the state investment
5 fund during the period of the loan.

6 (2) The secretary of administration shall pay the principle and interest costs
7 on the loan from the appropriation account under s. 20.855 (1) (ch) as follows:

8 (a) After the close of the 2002–03 fiscal year, the secretary shall make principle
9 and interest payments equal to the moneys lapsed to the general fund from the
10 appropriation account under s. 20.515 (2) (a) in that year, if any, and from moneys
11 lapsed to the general fund from the appropriation account under s. 20.515 (2) (g) in
12 the amounts specified in s. 40.98 (6m), if any.

13 (b) After the close of each fiscal year thereafter, the secretary shall make
14 principle and interest payments equal to the moneys lapsed to the general fund from
15 the appropriation account under s. 20.515 (2) (g) in the amounts specified in s. 40.98
16 (6m), if any.

17 (c) If the secretary determines during any fiscal year that the moneys paid
18 under pars. (a) and (b) will not be sufficient to repay the loan within a reasonable
19 period of time, as determined by the secretary and the commissioner, the secretary
20 shall pay all remaining principle and interest costs on the loan after the close of that
21 fiscal year.”.

22 **459.** Page 221, line 13: after that line insert:

23 “**SECTION 508kb.** 601.11 of the statutes is repealed and recreated to read:

1 **601.11 Personnel.** Except for those employed under s. 601.14 (2) or otherwise
2 specifically exempted, all personnel including staff attorneys shall be appointed
3 under the classified service.

4 **SECTION 508kn.** 601.15 of the statutes is repealed.

5 **SECTION 508kp.** 601.18 of the statutes is amended to read:

6 **601.18 Delegation.** Any power, duty or function vested in the commissioner
7 by law may be exercised, discharged or performed by any employee of the office acting
8 in the commissioner’s name and by the commissioner’s delegated authority. Any
9 person whose own course of action in good faith depends upon proof of the validity
10 of an asserted delegation is not obligated to act until the person is shown a written
11 delegation with a handwritten signature of the commissioner ~~or deputy~~
12 ~~commissioner.~~”.

13 **460.** Page 221, line 22: after that line insert:

14 “**SECTION 509c.** 609.10 (1) (am) of the statutes, as affected by 1999 Wisconsin
15 Act 9, is amended to read:

16 609.10 (1) (am) Except as provided in ~~subs. (2) to sub.~~ (4), an employer that
17 offers any of its employees a health maintenance organization or a preferred provider
18 plan that provides comprehensive health care services shall also offer the employees
19 a standard plan that provides at least substantially equivalent coverage of health
20 care expenses and a point-of-service option plan, as provided in pars. (b) and (c).

21 **SECTION 509cm.** 609.10 (2) of the statutes is repealed.

22 **SECTION 509d.** 609.10 (3) of the statutes, as affected by 1999 Wisconsin Act 9,
23 is repealed.”.

24 **461.** Page 221, line 22: after that line insert:

1 “**SECTION 509bp.** 609.73 of the statutes is created to read:

2 **609.73 Coverage of contraceptive articles and services.** Managed care
3 plans are subject to s. 632.895 (15).

4 **SECTION 509bw.** 609.86 of the statutes is created to read:

5 **609.86 Coverage of alcoholism and other diseases.** Managed care plans
6 are subject to s. 632.89.”.

7 **462.** Page 221, line 23: delete lines 23 to 25.

8 **463.** Page 221, line 25: after that line insert:

9 “**SECTION 509pc.** 632.89 (title) of the statutes is amended to read:

10 **632.89** (title) ~~Required coverage of~~ **Coverage of mental disorders,**
11 **alcoholism, and other diseases.**

12 **SECTION 509pd.** 632.89 (1) (b) of the statutes is created to read:

13 632.89 (1) (b) “Health benefit plan” has the meaning given in s. 632.745 (11).

14 **SECTION 509pe.** 632.89 (1) (em) of the statutes is repealed.

15 **SECTION 509pf.** 632.89 (1) (er) of the statutes is created to read:

16 632.89 (1) (er) “Self-insured health plan” has the meaning given in s. 632.745
17 (24).

18 **SECTION 509pg.** 632.89 (2) (title) of the statutes is amended to read:

19 632.89 (2) (title) REQUIRED COVERAGE FOR GROUP PLANS.

20 **SECTION 509ph.** 632.89 (2) (a) 1. of the statutes is renumbered 632.89 (2) (a)
21 and amended to read:

22 632.89 (2) (a) *Conditions covered.* A group ~~or blanket disability insurance~~
23 ~~policy issued by an insurer~~ health benefit plan and a self-insured health plan shall
24 provide coverage of nervous and mental disorders and alcoholism and other drug

1 abuse problems if required by pars. (c) to (dm) and as provided in pars. ~~(b)~~ (c) to (e)
2 (dm) and sub. (3).

3 **SECTION 509pi.** 632.89 (2) (a) 2. of the statutes is repealed.

4 **SECTION 509pj.** 632.89 (2) (b) of the statutes is repealed.

5 **SECTION 509pk.** 632.89 (2) (c) 1. of the statutes is renumbered 632.89 (2) (c) and
6 amended to read:

7 632.89 (2) (c) ~~Minimum coverage~~ Coverage of inpatient hospital services. If a
8 group ~~or blanket disability insurance policy issued by an insurer~~ health benefit plan
9 or a self-insured health plan provides coverage of any inpatient hospital treatment,
10 the ~~policy~~ plan shall provide coverage for inpatient hospital services for the
11 treatment of conditions under par. (a) 1. ~~as provided in subd. 2.~~

12 **SECTION 509pL.** 632.89 (2) (c) 2. of the statutes is repealed.

13 **SECTION 509pm.** 632.89 (2) (d) 1. of the statutes is renumbered 632.89 (2) (d)
14 and amended to read:

15 632.89 (2) (d) ~~Minimum coverage~~ Coverage of outpatient services. If a group ~~or~~
16 ~~blanket disability insurance policy issued by an insurer~~ health benefit plan or a
17 self-insured health plan provides coverage of any outpatient treatment, the ~~policy~~
18 plan shall provide coverage for outpatient services for the treatment of conditions
19 under par. (a) 1. ~~as provided in subd. 2.~~

20 **SECTION 509pn.** 632.89 (2) (d) 2. of the statutes is repealed.

21 **SECTION 509po.** 632.89 (2) (dm) 1. of the statutes is renumbered 632.89 (2) (dm)
22 and amended to read:

23 632.89 (2) (dm) ~~Minimum coverage~~ Coverage of transitional treatment
24 arrangements. If a group ~~or blanket disability insurance policy issued by an insurer~~
25 health benefit plan or a self-insured health plan provides coverage of any inpatient

1 hospital treatment or any outpatient treatment, the ~~policy plan~~ shall provide
2 coverage for transitional treatment arrangements for the treatment of conditions
3 under par. (a) ~~1. as provided in subd. 2.~~

4 **SECTION 509pp.** 632.89 (2) (dm) 2. of the statutes is repealed.

5 **SECTION 509pq.** 632.89 (2) (e) of the statutes is renumbered 632.89 (5) (b) and
6 amended to read:

7 632.89 (5) (b) *Exclusion Certain health care plans.* ~~This subsection~~ section does
8 not apply to a health care plan offered by a limited service health organization, as
9 defined in s. 609.01 (3), or by a preferred provider plan, as defined in s. 609.01 (4),
10 that is not a managed care plan, as defined in s. 609.01 (3c).

11 **SECTION 509pr.** 632.89 (2m) of the statutes is renumbered 632.89 (4m).

12 **SECTION 509ps.** 632.89 (3) of the statutes is created to read:

13 632.89 (3) EQUAL COVERAGE REQUIREMENT. (a) *Group plans.* A group health
14 benefit plan or a self-insured health plan that provides coverage for the treatment
15 of nervous and mental disorders and alcoholism and other drug abuse problems shall
16 provide the same coverage for that treatment that it provides for the treatment of
17 physical conditions.

18 (b) *Individual plans.* If an individual health benefit plan provides coverage for
19 the treatment of nervous or mental disorders or alcoholism or other drug abuse
20 problems, the individual health benefit plan shall provide the same coverage for that
21 treatment that it provides for the treatment of physical conditions.

22 (c) *All coverage components.* The requirements under this subsection apply to
23 all coverage-related components, including rates; exclusions and limitations;
24 deductibles; copayments; coinsurance; annual and lifetime payment limits;

1 out-of-pocket limits; out-of-network charges; day, visit, or appointment limits;
2 duration or frequency of coverage; and medical necessity definitions.

3 **SECTION 509pt.** 632.89 (3m) of the statutes is repealed.

4 **SECTION 509pu.** 632.89 (5) (title) of the statutes is amended to read:

5 632.89 (5) (title) ~~MEDICARE EXCLUSION~~ EXCLUSIONS.

6 **SECTION 509pv.** 632.89 (5) of the statutes is renumbered 632.89 (5) (a).

7 **SECTION 509pw.** 632.89 (5) (a) (title) of the statutes is created to read:

8 632.89 (5) (a) (title) *Medicare*.

9 **SECTION 509sf.** 632.895 (15) of the statutes is created to read:

10 632.895 (15) CONTRACEPTIVE ARTICLES AND SERVICES. (a) In this subsection:

11 1. “Contraceptive article” means any of the following:

12 a. A drug, medicine, mixture, preparation, instrument, article, or device of any
13 nature that is approved by the federal food and drug administration for use to
14 prevent a pregnancy, that is prescribed by a licensed health care provider for use to
15 prevent a pregnancy, and that may not be obtained without a prescription from a
16 licensed health care provider. “Contraceptive article” does not include any drug,
17 medicine, mixture, preparation, instrument, article, or device of any nature
18 prescribed for use in terminating the pregnancy of a woman who is known by the
19 prescribing licensed health care provider to be pregnant.

20 b. A hormonal compound that is taken orally and that is approved by the federal
21 food and drug administration for use to prevent a pregnancy.

22 2. “Religious employer” means an entity that satisfies all of the following
23 criteria:

24 a. The inculcation of religious values is the purpose of the entity.

1 b. The entity employs primarily persons who share the religious tenets of the
2 entity.

3 c. The entity serves primarily persons who share the religious tenets of the
4 entity.

5 d. The entity is exempt from filing a federal annual information return under
6 section 6033 (a) (2) (A) (i) and (iii) and (C) (i) of the Internal Revenue Code.

7 (b) Every disability insurance policy, and every self-insured health plan of a
8 county, city, village, or school district, that provides coverage of outpatient health
9 care services, preventive treatments and services, or prescription drugs and devices
10 shall provide coverage for all of the following:

11 1. Contraceptive articles.

12 2. Medical services, including counseling and physical examinations, for the
13 prescription or use of a contraceptive article or of a procedure to prevent a pregnancy.

14 3. Medical procedures performed to prevent a pregnancy.

15 (c) Coverage under this subsection may be subject to exclusions or limitations,
16 including copayments and deductibles, that apply generally to the benefits that are
17 provided under the policy or self-insured health plan.

18 (d) This subsection does not apply to any of the following:

19 1. A disability insurance policy that covers only certain specified diseases.

20 2. A health care plan offered by a limited service health organization, as defined
21 in s. 609.01 (3), or by a preferred provider plan, as defined in s. 609.01 (4), that is not
22 a managed care plan, as defined in s. 609.01 (3c).

23 3. A medicare replacement policy, a medicare supplement policy, or a long-term
24 care insurance policy.

1 4. A disability insurance policy that is issued to a religious employer, if the
2 religious employer requests that the insurer issuing the policy not provide the
3 coverage specified in par. (b) 1. to 3. on the basis that the articles and services covered
4 are contrary to the religious employer’s religious tenets. A religious employer that
5 makes a request under this subdivision shall provide written notice to a prospective
6 insured under the policy, prior to that person’s coverage under the policy, that
7 specifies the articles and services under par. (b) 1. to 3. that will not be covered on
8 the basis of the employer’s request.”.

9 **464.** Page 221, line 25: after that line insert:

10 “**SECTION 509r.** 635.05 (1) of the statutes is amended to read:

11 635.05 (1) Establishing restrictions on premium rates that a small employer
12 insurer may charge a small employer such that the premium rates charged to small
13 employers with similar case characteristics for the same or similar benefit design
14 characteristics do not vary from the midpoint rate for those small employers by more
15 than ~~35%~~ 10% of that midpoint rate.”.

16 **465.** Page 221, line 25: after that line insert:

17 “**SECTION 509m.** 641.12 (1) of the statutes is amended to read:

18 641.12 (1) The expenses of every examination of the affairs of any employee
19 welfare fund required to register under this chapter, including any appraisal of real
20 property, shall be borne and paid by the employee welfare fund so examined but the
21 commissioner may in his or her discretion remit in whole or in part such charges upon
22 showing of extreme financial hardship. For any such examination by the
23 commissioner ~~or a deputy commissioner~~ personally, the charge made shall be only
24 for necessary traveling expenses and other actual expenses. In all other cases the

1 expenses of examination shall also include reimbursement for the compensation
2 paid for the services of persons employed by the commissioner or by the
3 commissioner’s authority to make the examination or appraisal. All charges
4 incurred by or on behalf of the commissioner, including necessary traveling and other
5 actual expenses, as duly audited and paid to the person or persons making the
6 examination or appraisal, shall be presented to the trustees of the employee welfare
7 fund so examined in the form of a copy of the itemized bill therefor as certified and
8 approved by the commissioner ~~or a deputy commissioner~~. Upon receiving the
9 certified copy the trustees shall pay the amount thereof to the commissioner to be
10 paid by the commissioner into the state treasury.”.

11 **466.** Page 222, line 15: after that line insert:

12 “**SECTION 511bg.** 704.90 (9) of the statutes is amended to read:

13 704.90 (9) RULES. The department of agriculture, ~~trade and consumer~~
14 ~~protection~~ justice may promulgate rules necessary to carry out the purposes of this
15 section.

16 **SECTION 511br.** 704.90 (11) (title) of the statutes is amended to read:

17 704.90 (11) (title) DUTIES OF THE DEPARTMENT OF AGRICULTURE, ~~TRADE AND~~
18 ~~CONSUMER PROTECTION~~ JUSTICE.

19 **SECTION 511bz.** 704.90 (11) (a) of the statutes is amended to read:

20 704.90 (11) (a) Except as provided in par. (c), the department of agriculture,
21 ~~trade and consumer protection~~ justice shall investigate alleged violations of this
22 section and rules promulgated under sub. (9). To facilitate its investigations, the
23 department may subpoena persons and records and may enforce compliance with the
24 subpoenas as provided in s. 885.12.

1 **SECTION 511h.** 707.49 (4) of the statutes is amended to read:

2 707.49 (4) SURETY BOND AND OTHER OPTIONS. Instead of placing deposits in an
3 escrow account, a developer may obtain a surety bond issued by a company
4 authorized to do business in this state, an irrevocable letter of credit or a similar
5 arrangement, in an amount which at all times is not less than the amount of the
6 deposits otherwise subject to the escrow requirements of this section. The bond,
7 letter of credit or similar arrangement shall be filed with the department of
8 agriculture, ~~trade and consumer protection~~ justice and made payable to the
9 department of agriculture, ~~trade and consumer protection~~ justice for the benefit of
10 aggrieved parties.

11 **SECTION 511k.** 707.57 (2) of the statutes is amended to read:

12 707.57 (2) DEPARTMENT OF AGRICULTURE, ~~TRADE AND CONSUMER PROTECTION~~
13 JUSTICE AUTHORITY. (a) The department of agriculture, ~~trade and consumer~~
14 ~~protection~~ justice, or any district attorney upon informing the department of
15 agriculture, ~~trade and consumer protection~~ justice, may commence an action in
16 circuit court in the name of the state to restrain by temporary or permanent
17 injunction any violation of this chapter. Before entry of final judgment, the court may
18 make such orders or judgments as may be necessary to restore to any person any
19 pecuniary loss suffered because of the acts or practices involved in the action if proof
20 of these acts or practices is submitted to the satisfaction of the court.

21 (b) The department of agriculture, ~~trade and consumer protection~~ justice may
22 conduct hearings, administer oaths, issue subpoenas and take testimony to aid in its
23 investigation of violations of this chapter.

24 **SECTION 511p.** 707.57 (3) of the statutes is amended to read:

1 707.57 (3) PENALTY. Any person who violates this chapter shall be required to
2 forfeit not more than \$5,000 for each offense. Forfeitures under this subsection shall
3 be enforced by action on behalf of the state by the department of agriculture, trade
4 and consumer protection justice or by the district attorney of the county where the
5 violation occurs.”.

6 **467.** Page 222, line 23: after that line insert:

7 “**SECTION 512n.** 757.05 (1) (a) of the statutes, as affected by 2001 Wisconsin Act
8 16, section 3774, is amended to read:

9 757.05 (1) (a) Whenever a court imposes a fine or forfeiture for a violation of
10 state law or for a violation of a municipal or county ordinance except for a violation
11 of s. 101.123 (2) (a), (am) 1., (ar), or (bm) or (5) or state laws or municipal or county
12 ordinances involving nonmoving traffic violations, headlamp violations under s.
13 347.065 (1), or safety belt use violations under s. 347.48 (2m), there shall be imposed
14 in addition a penalty assessment in an amount of 24% of the fine or forfeiture
15 imposed. If multiple offenses are involved, the penalty assessment shall be based
16 upon the total fine or forfeiture for all offenses. When a fine or forfeiture is suspended
17 in whole or in part, the penalty assessment shall be reduced in proportion to the
18 suspension.”.

19 **468.** Page 222, line 23: after that line insert:

20 “**SECTION 512f.** 755.01 (4) of the statutes is amended to read:

21 755.01 (4) Two or more cities, towns or villages of this state may enter into an
22 agreement under s. 66.0301 for the joint exercise of the power granted under sub. (1),
23 except that for purposes of this subsection, any agreement under s. 66.0301 shall be
24 effected by the enactment of identical ordinances by each affected city, town or

1 village. Electors of each municipality entering into the agreement shall be eligible
2 to vote for the judge of the municipal court so established. If a municipality enters
3 into an agreement with a municipality that already has a municipal court, the
4 municipalities may provide by ordinance or resolution that the judge for the existing
5 municipal court shall serve as the judge for the joint court until the end of the term
6 or until a special election is held under s. 8.50 (4) (fm). Each municipality shall adopt
7 an ordinance or bylaw under sub. (1) prior to entering into the agreement. The
8 contracting municipalities need not be contiguous and need not all be in the same
9 county. ~~The~~ Upon entering into or discontinuing such an agreement, the contracting
10 municipalities shall ~~notify~~ each transmit a certified copy of the ordinance or bylaw
11 effecting or discontinuing the agreement to the appropriate filing officer under s.
12 11.02 (3e) ~~when the joint court is created~~. When a municipal judge is elected under
13 this subsection, candidates shall be nominated by filing nomination papers under s.
14 8.10 (6) (bm), and shall register with the filing officer specified in s. 11.02 (3e).”.

15 **469.** Page 222, line 23: after that line insert:

16 “**SECTION 512m.** 758.19 (7) of the statutes, as affected by 2001 Wisconsin Act
17 16, is amended to read:

18 758.19 (7) The director of state courts shall adopt, revise biennially and submit
19 to the cochairpersons of the joint committee on information policy and technology, the
20 governor and the ~~department of electronic government~~ secretary of administration,
21 no later than September 15 of each even-numbered year, a strategic plan for the
22 utilization of information technology to carry out the functions of the courts and
23 judicial branch agencies, as defined in s. 16.70 (5). The plan shall address the
24 business needs of the courts and judicial branch agencies and shall identify all

1 resources relating to information technology which the courts and judicial branch
2 agencies desire to acquire, contingent upon funding availability, the priority for such
3 acquisitions and the justification for such acquisitions. The plan shall also identify
4 any changes in the functioning of the courts and judicial branch agencies under the
5 plan.”.

6 **470.** Page 223, line 5: after that line insert:

7 “**SECTION 514c.** 767.11 (8) (b) 2. of the statutes is amended to read:

8 767.11 **(8)** (b) 2. Interspousal battery as described under s. 940.19 or 940.20
9 (1m) or domestic abuse as defined in s. 813.12 (1) ~~(a)~~ (am).

10 **SECTION 514f.** 767.11 (10) (e) 2. of the statutes is amended to read:

11 767.11 **(10)** (e) 2. There is evidence of interspousal battery as described under
12 s. 940.19 or 940.20 (1m) or domestic abuse as defined in s. 813.12 (1) ~~(a)~~ (am).

13 **SECTION 514h.** 767.24 (1m) (b) of the statutes is amended to read:

14 767.24 **(1m)** (b) Where the parent lives currently and where the parent intends
15 to live during the next 2 years. If there is evidence that the other parent engaged in
16 interspousal battery, as described under s. 940.19 or 940.20 (1m), or domestic abuse,
17 as defined in s. 813.12 (1) ~~(a)~~ (am), with respect to the parent providing the parenting
18 plan, the parent providing the parenting plan is not required to disclose the specific
19 address but only a general description of where he or she currently lives and intends
20 to live during the next 2 years.

21 **SECTION 514k.** 767.24 (1m) (c) of the statutes is amended to read:

22 767.24 **(1m)** (c) Where the parent works and the hours of employment. If there
23 is evidence that the other parent engaged in interspousal battery, as described under
24 s. 940.19 or 940.20 (1m), or domestic abuse, as defined in s. 813.12 (1) ~~(a)~~ (am), with

1 respect to the parent providing the parenting plan, the parent providing the
2 parenting plan is not required to disclose the specific address but only a general
3 description of where he or she works.

4 **SECTION 514m.** 767.24 (1m) (o) of the statutes is amended to read:

5 767.24 **(1m)** (o) If there is evidence that either party engaged in interspousal
6 battery, as described under s. 940.19 or 940.20 (1m), or domestic abuse, as defined
7 in s. 813.12 (1) ~~(a)~~ (am), with respect to the other party, how the child will be
8 transferred between the parties for the exercise of physical placement to ensure the
9 safety of the child and the parties.

10 **SECTION 514p.** 767.24 (2) (b) 2. c. of the statutes is amended to read:

11 767.24 **(2)** (b) 2. c. The parties will not be able to cooperate in the future decision
12 making required under an award of joint legal custody. In making this finding the
13 court shall consider, along with any other pertinent items, any reasons offered by a
14 party objecting to joint legal custody. Evidence that either party engaged in abuse,
15 as defined in s. 813.122 (1) (a), of the child, as defined in s. 48.02 (2), or evidence of
16 interspousal battery, as described under s. 940.19 or 940.20 (1m), or domestic abuse,
17 as defined in s. 813.12 (1) ~~(a)~~ (am), creates a rebuttable presumption that the parties
18 will not be able to cooperate in the future decision making required.

19 **SECTION 514s.** 767.24 (5) (i) of the statutes is amended to read:

20 767.24 **(5)** (i) Whether there is evidence of interspousal battery as described
21 under s. 940.19 or 940.20 (1m) or domestic abuse as defined in s. 813.12 (1) ~~(a)~~ (am).”.

22 **471.** Page 223, line 13: after that line insert:

23 “**SECTION 516m.** 779.97 (5) (a) 1. of the statutes is amended to read:

1 779.97 (5) (a) 1. For a lien on real estate, ~~–\$10 or an amendment to a lien on real~~
2 ~~estate, a fee equal to the fee under s. 59.43 (2) (ag).~~”.

3 **472.** Page 223, line 13: after that line insert:

4 “**SECTION 516g.** 779.41 (1m) of the statutes is amended to read:

5 779.41 (1m) Annually, on January 1, the department of agriculture, trade and
6 ~~consumer protection~~ justice shall adjust the dollar amounts identified under sub. (1)
7 (intro.), (a), (b) and (c) 1. to 4. by the annual change in the consumer price index, as
8 determined under s. 16.004 (8) (e) 1., and publish the adjusted figures.

9 **SECTION 516n.** 779.93 (title) of the statutes is amended to read:

10 **779.93** (title) **Duties of the department of agriculture, trade and**
11 ~~**consumer protection justice.**~~

12 **SECTION 516p.** 779.93 (1) of the statutes is amended to read:

13 779.93 (1) The department of agriculture, trade and ~~consumer protection~~
14 justice shall investigate violations of this subchapter and attempts to circumvent
15 this subchapter. The department of agriculture, trade and ~~consumer protection~~
16 justice may subpoena persons and records to facilitate its investigations, and may
17 enforce compliance with such subpoenas as provided in s. 885.12.

18 **SECTION 516r.** 779.93 (2) (intro.) of the statutes is amended to read:

19 779.93 (2) (intro.) The department of agriculture, trade and ~~consumer~~
20 ~~protection~~ justice may ~~in on~~ behalf of the state or ~~in on~~ behalf of any person who holds
21 a prepaid maintenance lien:”.

22 **473.** Page 224, line 10: after that line insert:

23 “**SECTION 519m.** 806.04 (11m) of the statutes is created to read:

1 **806.04 (11m)** CAMPAIGN FINANCE REGISTRATION. Any person who proposes to
2 publish, disseminate, or broadcast, or causes to be published, disseminated, or
3 broadcast, any communication may commence a proceeding under this section to
4 determine the application to that person of a registration requirement under s. 11.05
5 (1), (2), or (2g).”.

6 **474.** Page 224, line 10: after that line insert:

7 “**SECTION 519np.** 814.63 (1) (c) of the statutes is amended to read:

8 814.63 (1) (c) This subsection does not apply to an action for a violation of s.
9 101.123 (2) (a), (am) 1., (ar) or (bm) or (5), a headlamp violation under s. 347.065 (1),
10 or a safety belt use violation under s. 347.48 (2m).

11 **SECTION 519nt.** 814.63 (2) of the statutes is amended to read:

12 814.63 (2) Upon the disposition of a forfeiture action in circuit court for
13 violation of a county, town, city, village, town sanitary district or public inland lake
14 protection and rehabilitation district ordinance, except an action for a headlamp
15 violation under s. 347.065 (1) or a safety belt use violation under s. 347.48 (2m), the
16 county, town, city, village, town sanitary district or public inland lake protection and
17 rehabilitation district shall pay a nonrefundable fee of \$5 to the clerk of circuit
18 court.”.

19 **475.** Page 224, line 10: after that line insert:

20 “**SECTION 519mb.** 813.12 (1) (a) (intro.), 1., 2. and 3. of the statutes are
21 renumbered 813.12 (1) (am) (intro.), 1., 2. and 3., and 813.12 (1) (am) (intro.), as
22 renumbered, is amended to read:

23 813.12 (1) (am) (intro.) “Domestic abuse” means any of the following engaged
24 in by an adult family member or adult household member against another adult

1 family member or adult household member, by an adult caregiver against an adult
2 who is under the caregiver's care, by an adult against his or her adult former spouse,
3 by an adult against an adult with whom the individual has or had a dating
4 relationship, or by an adult against an adult with whom the person has a child in
5 common:

6 **SECTION 519mc.** 813.12 (1) (a) 4. of the statutes is renumbered 813.12 (1) (am)
7 6. and amended to read:

8 813.12 (1) (am) 6. A threat to engage in the conduct under subd. 1., 2. ~~or~~ 3., or
9 5.

10 **SECTION 519md.** 813.12 (1) (ad) of the statutes is created to read:

11 813.12 (1) (ad) “Caregiver” means an individual who is a provider of in-home
12 or community care to an individual through regular and direct contact.

13 **SECTION 519mf.** 813.12 (1) (ag) of the statutes is created to read:

14 813.12 (1) (ag) “Dating relationship” means a romantic or intimate social
15 relationship between 2 adult individuals but “dating relationship” does not include
16 a casual relationship or an ordinary fraternization between 2 individuals in a
17 business or social context. A court shall determine if a dating relationship existed
18 by considering the length of the relationship, the type of the relationship, and the
19 frequency of the interaction between the adult individuals involved in the
20 relationship.

21 **SECTION 519mg.** 813.12 (1) (am) 5. of the statutes is created to read:

22 813.12 (1) (am) 5. A violation of s. 943.01, involving property that belongs to
23 the individual.

24 **SECTION 519mj.** 813.12 (1) (cg) of the statutes is created to read:

1 813.12 (1) (cg) “Reasonable grounds” means more likely than not that a specific
2 event has occurred or will occur.

3 **SECTION 519mL.** 813.12 (1) (cj) of the statutes is created to read:

4 813.12 (1) (cj) “Regular and direct contact” means face-to-face physical
5 proximity to an individual that is planned, scheduled, expected, or periodic.

6 **SECTION 519mm.** 813.12 (2) (a) of the statutes is amended to read:

7 813.12 (2) (a) No action under this section may be commenced by complaint and
8 summons. An action under this section may be commenced only by a petition
9 described under sub. (5) (a). The action commences with service of the petition upon
10 the respondent if a copy of the petition is filed before service or promptly after service.
11 If the judge or family court commissioner extends the time for a hearing under sub.
12 (3) (c) and the petitioner files an affidavit with the court stating that personal service
13 by the sheriff or a private server under s. 801.11 (1) (a) or (b) was unsuccessful
14 because the respondent is avoiding service by concealment or otherwise, the judge
15 or family court commissioner shall inform the petitioner that he or she may serve the
16 respondent by publication of a summary of the petition as a class 1 notice, under ch.
17 985, and by mailing or sending a facsimile if the respondent’s post-office address or
18 facsimile number is known or can with due diligence be ascertained. The mailing or
19 sending of a facsimile may be omitted if the post-office address or facsimile number
20 cannot be ascertained with due diligence. A summary of the petition published as
21 a class 1 notice shall include the name of the respondent and of the petitioner, notice
22 of the temporary restraining order, and notice of the date, time, and place of the
23 hearing regarding the injunction.

24 **SECTION 519mn.** 813.12 (3) (a) (intro.) of the statutes is amended to read:

1 813.12 (3) (a) (intro.) A judge or family court commissioner shall issue a
2 temporary restraining order ordering the respondent to refrain from committing acts
3 of domestic abuse against the petitioner, to avoid the petitioner’s residence, except
4 as provided in par. (am), or any premises other location temporarily occupied by the
5 petitioner or both, or to avoid contacting or causing any person other than a party’s
6 attorney or a law enforcement officer to contact the petitioner unless the petitioner
7 consents in writing, or any combination of these remedies requested in the petition,
8 or any other appropriate remedy not inconsistent with the remedies requested in the
9 petition. if all of the following occur:

10 **SECTION 519mo.** 813.12 (3) (a) 2. of the statutes is amended to read:

11 813.12 (3) (a) 2. The judge or family court commissioner finds reasonable
12 grounds to believe that the respondent has engaged in, or based on prior conduct of
13 the petitioner and the respondent may engage in, domestic abuse of the petitioner.

14 (aj) In determining whether to issue a temporary restraining order, the judge
15 or family court commissioner shall consider the potential danger posed to the
16 petitioner and the pattern of abusive conduct of the respondent but may not base his
17 or her decision solely on the length of time since the last domestic abuse or the length
18 of time since the relationship ended. The judge or family court commissioner may
19 grant only the remedies requested or approved by the petitioner. The judge or family
20 court commissioner may not dismiss or deny granting a temporary restraining order
21 because of the existence of a pending action or of any other court order that bars
22 contact between the parties, nor due to the necessity of verifying the terms of an
23 existing court order.

24 **SECTION 519mp.** 813.12 (3) (c) of the statutes is amended to read:

1 813.12 (3) (c) The temporary restraining order is in effect until a hearing is held
2 on issuance of an injunction under sub. (4). The temporary restraining order is not
3 voided if the respondent is admitted into a dwelling that the order directs him or her
4 to avoid. A judge or family court commissioner shall hold a hearing on issuance of
5 an injunction within 7 14 days after the temporary restraining order is issued, unless
6 the time is extended upon the written consent of the parties or extended once for 14
7 days upon a finding that the respondent has not been served with a copy of the
8 temporary restraining order although the petitioner has exercised due diligence.

9 **SECTION 519mq.** 813.12 (4) (a) (intro.) of the statutes is amended to read:

10 813.12 (4) (a) (intro.) A judge or family court commissioner may grant an
11 injunction ordering the respondent to refrain from committing acts of domestic abuse
12 against the petitioner, to avoid the petitioner's residence, except as provided in par.
13 (am), or any ~~premises~~ other location temporarily occupied by the petitioner or both,
14 or to avoid contacting or causing any person other than a party's attorney or a law
15 enforcement officer to contact the petitioner unless the petitioner consents to that
16 contact in writing, or any combination of these remedies requested in the petition,
17 or any other appropriate remedy not inconsistent with the remedies requested in the
18 petition. if all of the following occur:

19 **SECTION 519mr.** 813.12 (4) (a) 2. of the statutes is amended to read:

20 813.12 (4) (a) 2. The petitioner serves upon the respondent a copy or summary
21 of the petition and notice of the time for hearing on the issuance of the injunction,
22 or the respondent serves upon the petitioner notice of the time for hearing on the
23 issuance of the injunction.

24 **SECTION 519ms.** 813.12 (4) (a) 3. of the statutes is amended to read:

1 813.12 (4) (a) 3. After hearing, the judge or family court commissioner finds
2 reasonable grounds to believe that the respondent has engaged in, or based upon
3 prior conduct of the petitioner and the respondent may engage in, domestic abuse of
4 the petitioner.

5 (a) In determining whether to issue an injunction, the judge or family court
6 commissioner shall consider the potential danger posed to the petitioner and the
7 pattern of abusive conduct of the respondent but may not base his or her decision
8 solely on the length of time since the last domestic abuse or the length of time since
9 the relationship ended. The judge or family court commissioner may grant only the
10 remedies requested by the petitioner. The judge or family court commissioner may
11 not dismiss or deny granting an injunction because of the existence of a pending
12 action or of any other court order that bars contact between the parties, nor due to
13 the necessity of verifying the terms of an existing court order.

14 **SECTION 519mt.** 813.12 (4) (c) 1. of the statutes is amended to read:

15 813.12 (4) (c) 1. An injunction under this subsection is effective according to its
16 terms, for the period of time that the petitioner requests, but not more than ~~2~~ 4 years.
17 An injunction granted under this subsection is not voided if the petitioner allows or
18 initiates contact with the respondent or by the admittance of the respondent into a
19 dwelling that the injunction directs him or her to avoid.

20 **SECTION 519mu.** 813.12 (4) (c) 2. of the statutes is amended to read:

21 813.12 (4) (c) 2. When an injunction granted for less than ~~2~~ 4 years expires, the
22 court shall extend the injunction if the petitioner states that an extension is
23 necessary to protect him or her. This extension shall remain in effect until ~~2~~ 4 years
24 after the date the court first entered the injunction.

25 **SECTION 519mv.** 813.12 (5) (d) of the statutes is created to read:

1 813.12 (5) (d) A petition may be prepared and filed by the person who alleges
2 that he or she has been the subject of domestic abuse or by the guardian, as defined
3 in s. 880.01 (3), of an incompetent individual, as defined in s. 880.01 (4), who has been
4 the subject of domestic abuse.

5 **SECTION 519mw.** 813.12 (5m) of the statutes is created to read:

6 813.12 (5m) CONFIDENTIALITY OF VICTIM'S ADDRESS. The petition under sub. (5)
7 and the court order under sub. (3) or (4) shall not disclose the address of the alleged
8 victim.

9 **SECTION 519mx.** 813.12 (6) (d) of the statutes is created to read:

10 813.12 (6) (d) The issuance of an order under s. 813.12 (3) or (4) is enforceable
11 despite the existence of any other criminal or civil order restricting or prohibiting
12 contact.

13 **SECTION 519my.** 813.12 (7) (c) of the statutes is created to read:

14 813.12 (7) (c) A respondent who does not appear at a hearing at which the court
15 orders an injunction under s. 813.12 (4) but who has been served with a copy of the
16 petition and notice of the time for hearing under s. 813.12 (3) has constructive
17 knowledge of the existence of the injunction and shall be arrested for violation of the
18 injunction regardless of whether he or she has been served with a copy of the
19 injunction.

20 **SECTION 519mz.** 814.61 (1) (e) of the statutes is amended to read:

21 814.61 (1) (e) No fee charged under this subsection in any action commenced
22 under s. 813.122, 813.123₁, or 813.125 may be collected from a petitioner under s.
23 813.122, 813.123₁, or 813.125 if the petition alleges conduct that is the same as or
24 similar to conduct that is prohibited by s. 940.32 or that is listed in s. 813.12 (1) (a)
25 (am) 1. to 4. 6. If no fee is collected under this paragraph, the fee charged under this

1 subsection for petitions filed and granted under s. 813.122, 813.123, or 813.125 shall
2 be collected from the respondent under s. 813.122, 813.123, or 813.125 if he or she
3 is convicted of violating a temporary restraining order or injunction issued under s.
4 813.122 (4) or (5), 813.123 (4) or (5), or 813.125 (3) or (4).”.

5 **476.** Page 224, line 11: delete lines 11 to 15 and substitute:

6 “**SECTION 520bb.** 814.634 (1) (a) of the statutes is amended to read:

7 814.634 (1) (a) Except for an action for a headlamp violation under s. 347.065
8 (1) or a safety belt use violation under s. 347.48 (2m), the clerk of circuit court shall
9 charge and collect a \$40 court support services fee from any person, including any
10 governmental unit as defined in s. 108.02 (17), paying a fee under s. 814.61 (1) (a),
11 (3), or (8) (am) or 814.63 (1).

12 **SECTION 520bd.** 814.634 (1) (a) of the statutes, as affected by 2001 Wisconsin
13 Act (this act), is amended to read:

14 814.634 (1) (a) Except for an action for a headlamp violation under s. 347.065
15 (1) or a safety belt use violation under s. 347.48 (2m), the clerk of circuit court shall
16 charge and collect a \$40 \$52 court support services fee from any person, including
17 any governmental unit as defined in s. 108.02 (17), paying a fee under s. 814.61 (1)
18 (a), (3), or (8) (am), or 814.63 (1).”.

19 **477.** Page 225, line 3: after that line insert:

20 “**SECTION 522g.** 814.635 (1) of the statutes is amended to read:

21 814.635 (1) Except for an action for a headlamp violation under s. 347.065 (1)
22 or a safety belt use violation under s. 347.48 (2m), the clerk of circuit court shall
23 charge and collect a \$9 justice information system fee from any person, including any
24 governmental unit as defined in s. 108.02 (17), paying a fee under s. 814.61 (1) (a),

1 (3) or (8) (am), 814.62 (1), (2) or (3) (a) or (b) or 814.63 (1). The justice information
2 system fee is in addition to the other fees listed in this section.

3 **SECTION 522k.** 814.65 (1) of the statutes is amended to read:

4 814.65 (1) COURT COSTS. In a municipal court action, except an action for
5 violation of an ordinance in conformity with s. 347.065 (1) or 347.48 (2m), the
6 municipal judge shall collect a fee of not less than \$15 nor more than \$23 on each
7 separate matter, whether it is on default of appearance, a plea of guilty or no contest,
8 on issuance of a warrant or summons or the action is tried as a contested matter. Of
9 each fee received by the judge under this subsection, the municipal treasurer shall
10 pay monthly \$5 to the state treasurer for deposit in the general fund and shall retain
11 the balance for the use of the municipality.”.

12 **478.** Page 225, line 3: after that line insert:

13 “**SECTION 523c.** 814.70 (1) of the statutes is amended to read:

14 814.70 (1) SERVICE OF PROCESS. For each service or attempted service of a
15 summons or any other process for commencement of an action, a writ, an order of
16 injunction, a subpoena, or any other order, \$12 for each defendant or person. If there
17 is more than one defendant or person to be served at a given address, \$6 for each
18 additional defendant or person. No fee charged under this subsection in any action
19 commenced under s. 813.12, 813.122₁ or 813.123 may be collected from a petitioner
20 under s. 813.12, 813.122₁ or 813.123. The fee charged under this subsection in any
21 action commenced under s. 813.12, 813.122, 813.123₁ or 813.125 shall be collected
22 from the respondent under s. 813.12, 813.122₁ or 813.123 if he or she is convicted of
23 violating a temporary restraining order or injunction issued under s. 813.12 (3) or (4),
24 813.122 (4) or (5), 813.123 (4) or (5)₁ or 813.125 (3) or (4). No fee charged under this

1 subsection in any action commenced under s. 813.125 may be collected from a
2 petitioner under s. 813.125 if the petition alleges conduct that is the same as or
3 similar to conduct that is prohibited by s. 940.32 or that is listed in s. 813.12 (1) ~~(a)~~
4 (am) 1. to ~~4.~~ 6. If no fee is collected under this subsection from a petitioner under
5 s. 813.125, the fee charged under this subsection in any action commenced under s.
6 813.125 shall be collected from the respondent under s. 813.125 if he or she is
7 convicted of violating a temporary restraining order or injunction issued under s.
8 813.125 (3) or (4).

9 **SECTION 523f.** 814.70 (3) (intro.) of the statutes is amended to read:

10 814.70 **(3)** (intro.) For travel in serving any summons, writ or other process,
11 except criminal warrants, and except that a fee under this subsection in any action
12 commenced under s. 813.12, 813.122, or 813.123 may not be collected from a
13 petitioner but shall be collected from the respondent if he or she is convicted of
14 violating a temporary restraining order or injunction issued under s. 813.12 (3) or (4),
15 813.122 (4) or (5), 813.123 (4) or (5), or 813.125 (3) or (4), and except that a fee under
16 this subsection in any action commenced under s. 813.125 may not be collected from
17 a petitioner if the petition alleges conduct that is the same as or similar to conduct
18 that is prohibited by s. 940.32 or that is listed in s. 813.12 (1) ~~(a)~~ (am) 1. to ~~4.~~ 6. but
19 shall be collected from the respondent if he or she is convicted of violating a
20 temporary restraining order or injunction issued under s. 813.125 (3) or (4):

21 **SECTION 523h.** 895.73 (1) (a) of the statutes is amended to read:

22 895.73 **(1)** (a) “Abusive conduct” means domestic abuse, as defined under s.
23 46.95 (1) (a), 813.12 (1) ~~(a)~~ (am), or 968.075 (1) (a), harassment, as defined under s.
24 813.125 (1), sexual exploitation by a therapist under s. 940.22, sexual assault under

1 s. 940.225, child abuse, as defined under s. 813.122 (1) (a), or child abuse under ss.
2 948.02 to 948.11.

3 **SECTION 523m.** 905.045 of the statutes is created to read:

4 **905.045 Domestic violence or sexual assault advocate–victim**
5 **privilege. (1) DEFINITIONS.** In this section:

6 (a) “Abusive conduct” means abuse, as defined in s. 813.122 (1) (a), of a child,
7 as defined in s. 48.02 (2), interspousal battery, as described under s. 940.19 or 940.20
8 (1m), domestic abuse, as defined in s. 813.12 (1) (am), or sexual assault under s.
9 940.225.

10 (b) “Advocate” means an individual who is an employee of or a volunteer for an
11 organization the purpose of which is to provide counseling, assistance, or support
12 services free of charge to a victim.

13 (c) A communication or information is “confidential” if not intended to be
14 disclosed to 3rd persons other than persons present to further the interest of the
15 person receiving counseling, assistance, or support services, persons reasonably
16 necessary for the transmission of the communication or information, and persons
17 who are participating in providing counseling, assistance, or support services under
18 the direction of an advocate, including family members of the person receiving
19 counseling, assistance, or support services and members of any group of individuals
20 with whom the person receives counseling, assistance, or support services.

21 (d) “Victim” means an individual who has been the subject of abusive conduct
22 or who alleges that he or she has been the subject of abusive conduct. It is immaterial
23 that the abusive conduct has not been reported to any government agency.

24 **(2) GENERAL RULE OF PRIVILEGE.** A victim has a privilege to refuse to disclose and
25 to prevent any other person from disclosing confidential communications made or

1 information obtained or disseminated among the victim, an advocate who is acting
2 in the scope of his or her duties as an advocate, and persons who are participating
3 in providing counseling, assistance, or support services under the direction of an
4 advocate, if the communication was made or the information was obtained or
5 disseminated for the purpose of providing counseling, assistance, or support services
6 to the victim.

7 (3) WHO MAY CLAIM THE PRIVILEGE. The privilege may be claimed by the victim,
8 by the victim's guardian or conservator, or by the victim's personal representative if
9 the victim is deceased. The advocate may claim the privilege on behalf of the victim.
10 The advocate's authority to do so is presumed in the absence of evidence to the
11 contrary.

12 (4) EXCEPTIONS. Subsection (2) does not apply to any report concerning child
13 abuse that an advocate is required to make under s. 48.981.

14 (5) RELATIONSHIP TO S. 905.04. If a communication or information that is
15 privileged under sub. (2) is also a communication or information that is privileged
16 under s. 905.04 (2), the provisions of s. 905.04 supersede this section with respect to
17 that communication or information.”.

18 **479.** Page 225, line 3: after that line insert:

19 “SECTION 522r. 908.03 (6m) (d) of the statutes is amended to read:

20 908.03 (6m) (d) *Fees.* The Before January 1, 2003, the department of health
21 and family services shall, by rule, prescribe uniform fees that are based on an
22 approximation of the actual costs. The fees, plus applicable state tax, are the
23 maximum amount that a health care provider may charge ~~under par. (c) 3.~~ for
24 certified duplicate patient health care records. The rule shall also allow the health

1 care provider to charge for actual postage or other actual delivery costs. The
2 commencement of an action is not a prerequisite for the application of this
3 paragraph.

4 **SECTION 522s.** 908.03 (6m) (d) of the statutes, as affected by 2001 Wisconsin
5 Act (this act), is amended to read:

6 908.03 **(6m)** (d) *Fees.* ~~Before January 1, 2003~~ After December 31, 2002, the
7 department of health and family services shall, by rule, prescribe uniform fees that
8 are based on an approximation of actual costs. The fees, plus applicable state tax,
9 are the maximum amount that a health care provider may charge for certified
10 duplicate patient health care records. The rule shall also allow the health care
11 provider to charge for actual postage or other actual delivery costs. ~~The~~
12 ~~commencement of an action is not a prerequisite for the application of this paragraph~~
13 For duplicate patient health care records and duplicate X-ray reports or the referral
14 of X-rays to another health care provider that are requested before commencement
15 of an action, s. 146.83 (1) (b) and (c) and (3m) applies.”.

16 **480.** Page 225, line 3: after that line insert:

17 “**SECTION 523p.** 893.82 (5m) of the statutes is amended to read:

18 893.82 **(5m)** With regard to a claim to recover damages for medical malpractice,
19 the time periods under subs. (3), ~~(3m)~~, and (4) ~~shall be 180 days after discovery of the~~
20 ~~injury or the date on which, in the exercise of reasonable diligence, the injury should~~
21 ~~have been discovered, rather than 120 days after the event causing the injury for~~
22 servicing a notice of a claim upon the attorney general do not apply. The time period
23 for commencing an action against a state officer, employee, or agent for damages for

1 medical malpractice are the same as the time periods under s. 893.55 (1), (2), and
2 (3).”.

3 **481.** Page 225, line 13: after “302.113 (9g).” insert “adjustment of a bifurcated
4 sentence under s. 973.195.”.

5 **482.** Page 225, line 22: after that line insert:

6 “**SECTION 529p.** 938.335 (3m) (b) of the statutes is amended to read:

7 938.335 (3m) (b) ~~After a finding that a juvenile is delinquent under s. 938.12~~
8 ~~or is found to be in need of protection or services under s. 938.13 (12), the~~ The district
9 attorney or corporation counsel shall make a reasonable attempt to contact any
10 known victim to inform that person of the right to make a statement under par. (a).
11 Any failure to comply with this paragraph is not a ground for an appeal of a
12 dispositional order or for any court to reverse or modify a dispositional order.”.

13 **483.** Page 226, line 10: after that line insert:

14 “**SECTION 531d.** 938.34 (5g) (d) of the statutes is amended to read:

15 938.34 (5g) (d) Under this subsection, a juvenile who is under 14 years of age
16 may not be required to perform more than 40 total hours of supervised work or other
17 community service work, except as provided in subs. (13p), (13r), and (14t).

18 **SECTION 531f.** 938.34 (13p) of the statutes is created to read:

19 938.34 (13p) BOMB SCARES, BIOLOGICAL OR CHEMICAL SUBSTANCE SCARES, OR
20 FIREARMS AT SCHOOL. In addition to any other disposition imposed under this section,
21 if the juvenile is found to have violated s. 947.015 and the property involved is a
22 school premises, as defined in s. 948.61 (1) (c), is found to have violated s. 947.017
23 (2) and the threat concerned release or dissemination of a harmful substance on a

1 school premises, as defined in s. 948.61 (1) (c), or is found to have violated s. 948.605
2 (2) (a) or (3) (a), the court may order any one or more of the following dispositions:

3 (a) That the juvenile participate in anger management counseling or any other
4 counseling ordered by the court.

5 (b) That the juvenile participate for 100 hours in a supervised work program
6 under sub. (5g) or perform 100 hours of other community service work, unless the
7 court determines that the juvenile would pose a threat to public safety while
8 participating in that program or other community service work.

9 (c) That the juvenile’s operating privilege, as defined in s. 340.01 (40), be
10 restricted or suspended for 2 years, except that the court may restrict or suspend a
11 juvenile’s operating privilege under this paragraph only if the court finds that the
12 juvenile used a motor vehicle to facilitate the commission of the violation. If the court
13 restricts or suspends a juvenile’s operating privilege under this paragraph, the court
14 shall immediately forward to the department of transportation notice of the
15 restriction or suspension, clearly stating the reason for and duration of the
16 restriction or suspension. If the juvenile’s license or operating privilege is currently
17 suspended or revoked or if the juvenile does not currently possess a valid operator’s
18 license issued under ch. 343, the restriction or suspension under this paragraph is
19 effective on the date on which the juvenile is first eligible for issuance or
20 reinstatement of an operator’s license under ch. 343.”.

21 **484.** Page 248, line 19: after that line insert:

22 “**SECTION 657b.** 940.32 (1) (a) of the statutes is renumbered 940.32 (1) (a)
23 (intro.) and amended to read:

1 940.32 (1) (a) (intro.) “Course of conduct” means ~~repeatedly maintaining a~~
2 ~~visual or physical proximity to a person. a series of 2 or more acts carried out over~~
3 ~~time, however short or long, that show a continuity of purpose, including any of the~~
4 following:

5 **SECTION 657c.** 940.32 (1) (a) 1. of the statutes is created to read:

6 940.32 (1) (a) 1. Maintaining a visual or physical proximity to the victim.

7 **SECTION 657d.** 940.32 (1) (a) 2. of the statutes is created to read:

8 940.32 (1) (a) 2. Approaching or confronting the victim.

9 **SECTION 657e.** 940.32 (1) (a) 3. of the statutes is created to read:

10 940.32 (1) (a) 3. Appearing at the victim’s workplace or contacting the victim’s
11 employer or coworkers.

12 **SECTION 657f.** 940.32 (1) (a) 4. of the statutes is created to read:

13 940.32 (1) (a) 4. Appearing at the victim’s home or contacting the victim’s
14 neighbors.

15 **SECTION 657g.** 940.32 (1) (a) 5. of the statutes is created to read:

16 940.32 (1) (a) 5. Entering property owned, leased, or occupied by the victim.

17 **SECTION 657h.** 940.32 (1) (a) 6. of the statutes is created to read:

18 940.32 (1) (a) 6. Contacting the victim by telephone or causing the victim’s
19 telephone or any other person’s telephone to ring repeatedly or continuously,
20 regardless of whether a conversation ensues.

21 **SECTION 657i.** 940.32 (1) (a) 7. of the statutes is created to read:

22 940.32 (1) (a) 7. Sending material by any means to the victim or, for the purpose
23 of obtaining information about, disseminating information about, or communicating
24 with the victim, to a member of the victim’s family or household or an employer,
25 coworker, or friend of the victim.

1 **SECTION 657j.** 940.32 (1) (a) 8. of the statutes is created to read:

2 940.32 (1) (a) 8. Placing an object on or delivering an object to property owned,
3 leased, or occupied by the victim.

4 **SECTION 657k.** 940.32 (1) (a) 9. of the statutes is created to read:

5 940.32 (1) (a) 9. Delivering an object to a member of the victim’s family or
6 household or an employer, coworker, or friend of the victim or placing an object on,
7 or delivering an object to, property owned, leased, or occupied by such a person with
8 the intent that the object be delivered to the victim.

9 **SECTION 657m.** 940.32 (1) (a) 10. of the statutes is created to read:

10 940.32 (1) (a) 10. Causing a person to engage in any of the acts described in
11 subds. 7. to 9.

12 **SECTION 657n.** 940.32 (1) (am) of the statutes is created to read:

13 940.32 (1) (am) “Domestic abuse” has the meaning given in s. 813.12 (1) (am).

14 **SECTION 657no.** 940.32 (1) (ap) of the statutes is created to read:

15 940.32 (1) (ap) “Domestic abuse offense” means an act of domestic abuse that
16 constitutes a crime.

17 **SECTION 657p.** 940.32 (1) (b) of the statutes is renumbered 940.32 (1) (cb) and
18 amended to read:

19 940.32 (1) (cb) ~~“Immediate family”~~ “Member of a family” means a spouse,
20 parent, child, sibling, or any other person ~~who regularly resides in the household or~~
21 ~~who within the prior 6 months regularly resided in the household~~ who is related by
22 blood or adoption to another.

23 **SECTION 657q.** 940.32 (1) (cd) of the statutes is created to read:

1 940.32 (1) (cd) “Member of a household” means a person who regularly resides
2 in the household of another or who within the previous 6 months regularly resided
3 in the household of another.

4 **SECTION 657r.** 940.32 (1) (d) of the statutes is repealed.

5 **SECTION 657s.** 940.32 (2) (intro.) of the statutes is amended to read:

6 940.32 (2) (intro.) Whoever meets all of the following criteria is guilty of a Class
7 ~~A misdemeanor~~ E felony.”.

8 **485.** Page 248, line 20: delete lines 20 to 22 and substitute:

9 “**SECTION 658b.** 940.32 (2) (intro.) of the statutes, as affected by 2001 Wisconsin
10 Act (this act), is amended to read:

11 940.32 (2) (intro.) Whoever meets all of the following criteria is guilty of a Class
12 E I felony:

13 **SECTION 658c.** 940.32 (2) (a) of the statutes is amended to read:

14 940.32 (2) (a) The actor intentionally engages in a course of conduct directed
15 at a specific person that would cause a reasonable person under the same
16 circumstances to fear bodily injury to himself or herself or a member of his or her
17 immediate family or to fear the death of himself or herself or a member of his or her
18 immediate family or household.

19 **SECTION 658d.** 940.32 (2) (b) of the statutes is amended to read:

20 940.32 (2) (b) The actor ~~has knowledge or should have knowledge~~ intends that
21 at least one of the acts that constitute the course of conduct will place the specific
22 person ~~will be placed~~ in reasonable fear of bodily injury to himself or herself or a
23 member of his or her immediate family or ~~will be placed in reasonable fear of the~~
24 death of himself or herself or a member of his or her ~~immediate family~~ or household.

1 **SECTION 658e.** 940.32 (2) (c) of the statutes is amended to read:

2 940.32 **(2)** (c) The actor's acts induce fear in the specific person of bodily injury
3 to himself or herself or a member of his or her immediate family or induce fear in the
4 specific person of the death of himself or herself or a member of his or her immediate
5 family or household.

6 **SECTION 658f.** 940.32 (2e) of the statutes is created to read:

7 940.32 **(2e)** Whoever meets all of the following criteria is guilty of a Class E
8 felony:

9 (a) After having been convicted of sexual assault under s. 940.225, 948.02, or
10 948.025 or a domestic abuse offense, the actor engages in any of the acts listed in sub.
11 (1) (a) 1. to 10., if the act is directed at the victim of the sexual assault or the domestic
12 abuse offense.

13 (b) The actor intends that the act will place the specific person in reasonable
14 fear of bodily injury to or the death of himself or herself or a member of his or her
15 family or household.

16 (c) The actor's act induces fear in the specific person of bodily injury to or the
17 death of himself or herself or a member of his or her family or household.

18 **SECTION 658g.** 940.32 (2e) (intro.) of the statutes, as created by 2001 Wisconsin
19 Act (this act), is amended to read:

20 940.32 **(2e)** (intro.) Whoever meets all of the following criteria is guilty of a
21 Class E I felony:

22 **SECTION 658h.** 940.32 (2m) of the statutes is renumbered 940.32 (2m) (intro.)
23 and amended to read:

24 940.32 **(2m)** (intro.) Whoever violates sub. (2) is guilty of a Class D felony if he
25 or she any of the following applies:

1 (c) The actor intentionally gains access or causes another person to gain access
2 to a record in electronic format that contains personally identifiable information
3 regarding the victim in order to facilitate the violation ~~under sub. (2).~~”.

4 **486.** Page 248, line 23: delete the material beginning with that line and
5 ending on page 249, line 2, and substitute:

6 “**SECTION 659b.** 940.32 (2m) (intro.) of the statutes, as affected by 2001
7 Wisconsin Act (this act), is amended to read:

8 940.32 **(2m)** (intro.) Whoever violates sub. (2) is guilty of a Class ~~D~~ H felony if
9 any of the following applies:

10 **SECTION 659c.** 940.32 (2m) (a) of the statutes is created to read:

11 940.32 **(2m)** (a) The actor has a previous conviction for a violent crime, as
12 defined in s. 939.632 (1) (e) 1., or a previous conviction under this section or s. 947.013
13 (1r), (1t), (1v), or (1x).

14 **SECTION 659d.** 940.32 (2m) (b) of the statutes is created to read:

15 940.32 **(2m)** (b) The actor has a previous conviction for a crime, the victim of
16 that crime is the victim of the present violation of sub. (2), and the present violation
17 occurs within 7 years after the prior conviction.

18 **SECTION 659e.** 940.32 (2m) (d) of the statutes is created to read:

19 940.32 **(2m)** (d) The person violates s. 968.31 (1) or 968.34 (1) in order to
20 facilitate the violation.

21 **SECTION 659f.** 940.32 (2m) (e) of the statutes is created to read:

22 940.32 **(2m)** (e) The victim is under the age of 18 years at the time of the
23 violation.

24 **SECTION 659g.** 940.32 (3) (intro.) of the statutes is amended to read:

1 940.32 (3) (intro.) Whoever violates sub. (2) ~~under any of the following~~
2 circumstances is guilty of a Class ~~E~~ C felony if any of the following applies:”.

3 **487.** Page 249, line 3: delete lines 3 to 5 and substitute:

4 “**SECTION 660b.** 940.32 (3) (intro.) of the statutes, as affected by 2001 Wisconsin
5 Act (this act), is amended to read:

6 940.32 (3) (intro.) Whoever violates sub. (2) is guilty of a Class ~~C~~ F felony if any
7 of the following applies:

8 **SECTION 660c.** 940.32 (3) (a) of the statutes is amended to read:

9 940.32 (3) (a) The act results in bodily harm to the victim or a member of the
10 victim’s family or household.

11 **SECTION 660d.** 940.32 (3) (b) of the statutes is amended to read:

12 940.32 (3) (b) The actor has a previous conviction for a violent crime, as defined
13 in s. 939.632 (1) (e) 1., or a previous conviction under this section or s. 947.013 (1r),
14 (1t), (1v) or (1x) for a violation against, the same victim of that crime is the victim of
15 the present violation of sub. (2), and the present violation occurs within 7 years after
16 the prior conviction.

17 **SECTION 660e.** 940.32 (3) (c) of the statutes is created to read:

18 940.32 (3) (c) The actor uses a dangerous weapon in carrying out any of the acts
19 listed in sub. (1) (a) 1. to 9.”.

20 **488.** Page 249, line 6: delete lines 6 to 8 and substitute:

21 “**SECTION 661b.** 940.32 (3m) of the statutes is repealed.”.

22 **489.** Page 282, line 8: after that line insert:

23 “**SECTION 874x.** 947.013 (1t) of the statutes is amended to read:

1 947.013 **(1t)** Whoever violates sub. (1r) is guilty of a Class E felony if the person
2 has a prior conviction under this subsection or sub. (1r), (1v), or (1x) or s. 940.32 (2),
3 ~~(2e)~~, (2m), or (3) ~~or (3m)~~ involving the same victim and the present violation occurs
4 within 7 years of the prior conviction.”.

5 **490.** Page 282, line 9: delete lines 9 to 13 and substitute:

6 “**SECTION 875b.** 947.013 (1t) of the statutes, as affected by 2001 Wisconsin Act
7 (this act), is amended to read:

8 947.013 **(1t)** Whoever violates sub. (1r) is guilty of a Class E I felony if the
9 person has a prior conviction under this subsection or sub. (1r), (1v), or (1x) or s.
10 940.32 (2), (2e), (2m), or (3) involving the same victim and the present violation
11 occurs within 7 years of the prior conviction.”.

12 **491.** Page 282, line 21: after that line insert:

13 “**SECTION 877g.** 947.013 (1x) (a) of the statutes is amended to read:

14 947.013 **(1x)** (a) The person has a prior conviction under sub. (1r), (1t) or (1v)
15 or this subsection or s. 940.32 (2), ~~(2e)~~, (2m), or (3) ~~or (3m)~~.”.

16 **492.** Page 283, line 2: after that line insert:

17 “**SECTION 878e.** 947.017 of the statutes is created to read:

18 **947.017 Threats to release chemical or biological substances. (1)** In this
19 section, “harmful substance” means a toxic or poisonous chemical or its precursor or
20 a disease organism.

21 **(2)** Whoever, knowing the threat to be false, intentionally threatens to release
22 or disseminate a harmful substance or conveys a threat to release or disseminate a
23 harmful substance, if the threat induces a reasonable expectation or fear that a
24 harmful substance will be released or disseminated, is guilty of a Class E felony.

1 **SECTION 878f.** 947.017 (2) of the statutes, as created by 2001 Wisconsin Act ...
2 (this act), is amended to read:

3 947.017 (2) Whoever, knowing the threat to be false, intentionally threatens
4 to release or disseminate a harmful substance or conveys a threat to release or
5 disseminate a harmful substance, if the threat induces a reasonable expectation or
6 fear that a harmful substance will be released or disseminated, is guilty of a Class
7 ~~E~~ I felony.”.

8 **493.** Page 293, line 3: after that line insert:

9 “**SECTION 937dc.** 949.01 (4) of the statutes is amended to read:

10 949.01 (4) “Medical treatment” includes medical, surgical, dental, optometric,
11 chiropractic, podiatric, mental health, and hospital care; medicines; medical, dental,
12 and surgical supplies; crutches; artificial members; appliances and training in the
13 use of artificial members and appliances. “Medical treatment” includes any
14 Christian Science treatment or other recognized treatment for cure or relief from the
15 effects of injury.

16 **SECTION 937de.** 949.01 (5) of the statutes is renumbered 949.01 (5) (intro.) and
17 amended to read:

18 949.01 (5) (intro.) “Personal injury” means actual any of the following:

19 (a) Actual bodily harm and includes pregnancy and mental or nervous shock.

20 **SECTION 937dg.** 949.01 (5) (b) of the statutes is created to read:

21 949.01 (5) (b) Pregnancy resulting from sexual assault.

22 **SECTION 937dj.** 949.01 (5) (c) of the statutes is created to read:

23 949.01 (5) (c) Emotional trauma.

24 **SECTION 937dL.** 949.01 (6) of the statutes is amended to read:

1 949.01 **(6)** “Victim” means a person who is injured or killed by an incident
2 specified in s. 949.03 (1) (a), ~~or~~ by any act or omission of any other person that is
3 within the description of any of the offenses listed in s. 949.03 (1) (b) or within the
4 description of the offense listed and the condition provided in s. 949.03 (1) (c), or as
5 a result of a crime described in s. 949.03 (1) (d). This definition does not apply to s.
6 949.165.

7 **SECTION 937dn.** 949.02 of the statutes is amended to read:

8 **949.02 Administration.** The department shall administer this chapter. The
9 department shall appoint a program director to assist in administering this chapter.
10 The department shall promulgate rules for the implementation and operation of this
11 chapter. The rules shall include procedures to ensure that any limitation of an award
12 ~~under s. 949.06 (5) (e)~~ is calculated in a fair and equitable manner.

13 **SECTION 937dp.** 949.03 (1) (a) of the statutes is amended to read:

14 949.03 **(1)** (a) Preventing or attempting to prevent the commission of a crime;
15 apprehending or attempting to apprehend a suspected criminal; aiding or
16 attempting to aid a police officer to apprehend or arrest a suspected criminal; aiding
17 or attempting to aid a victim of a crime specified in par. (b); ~~or~~ aiding or attempting
18 to aid a victim of the crime specified and the condition provided in par. (c); or aiding
19 or attempting to aid a victim of a crime specified in par. (d).

20 **SECTION 937dr.** 949.03 (1) (b) of the statutes is amended to read:

21 949.03 **(1)** (b) The commission or the attempt to commit any crime specified in
22 s. 346.62 (4), 346.63 (2) or (6), 940.01, 940.02, 940.03, 940.05, 940.06, 940.07, 940.08,
23 940.09, 940.10, 940.19, 940.20, 940.201, 940.21, 940.22 (2), 940.225, 940.23, 940.24,
24 940.25, 940.285, 940.29, 940.30, 940.305, 940.31, 940.32, 941.327, 943.02, 943.03,

1 943.04, 943.10, 943.20, 943.23 (1g), (1m) or (1r), 943.32, 948.02, 948.025, 948.03,
2 948.04, 948.055, 948.06, 948.07, 948.08, 948.09, 948.095, 948.20, 948.30, or 948.51.”.

3 **494.** Page 293, line 4: after “statutes” insert “, as affected by 2001 Wisconsin
4 Act (this act),”.

5 **495.** Page 293, line 10: after “948.04,” insert “948.055, 948.06,”.

6 **496.** Page 293, line 10: after “948.07,” insert “948.08, 948.09,”.

7 **497.** Page 293, line 11: delete lines 11 to 14 and substitute:

8 “**SECTION 938cc.** 949.03 (1) (d) of the statutes is created to read:

9 949.03 (1) (d) The commission of any crime described in s. 973.017 (3) (e).

10 **SECTION 938ce.** 949.03 (2) of the statutes is created to read:

11 949.03 (2) The department may order the payment of an award to a child who
12 observes or hears an act of domestic abuse, as defined in s. 813.12 (1) (a).

13 **SECTION 938cg.** 949.03 (3) of the statutes is created to read:

14 949.03 (3) The department may order the payment of an award to a person who
15 witnesses a violent crime involving death or great bodily harm, as defined in s. 939.22
16 (14).

17 **SECTION 938cj.** 949.05 (1) (intro.) of the statutes is amended to read:

18 949.05 (1) (intro.) In any case in which a person is injured or killed by an
19 incident specified in s. 949.03 (1) (a), by any act or omission of any other person that
20 is within the description of crimes under s. 949.03 (1) (b) or (d), or by any act or
21 omission of any person that is within the description of the crime listed and the
22 condition provided under s. 949.03 (1) (c), the department may order the payment of
23 an award:

24 **SECTION 938cL.** 949.05 (2) of the statutes is created to read:

1 949.05 (2) The department may order the payment of an award to a child under
2 s. 949.03 (2).

3 **SECTION 938cn.** 949.05 (3) of the statutes is created to read:

4 949.05 (3) The department may order the payment of an award to a person who
5 witnesses a crime described in s. 949.03 (3).

6 **SECTION 938cp.** 949.06 (1) (bf) of the statutes is created to read:

7 949.06 (1) (bf) Up to one week of net salary for a person taking unpaid leave
8 from work to care for a victim who has suffered personal injury as a result of conduct
9 described in s. 949.03, if the victim is one of the person's family members, as defined
10 in sub. (1m) (a), or if the person is the legal guardian for the victim. This benefit may
11 not exceed \$500 per incident.

12 **SECTION 938cr.** 949.06 (1) (d) of the statutes is amended to read:

13 949.06 (1) (d) Reasonable funeral and burial expenses, not to exceed \$2,000
14 \$3,000. The funeral and burial award may not be considered by the department
15 under sub. (2).

16 **SECTION 938ct.** 949.06 (1) (g) of the statutes is created to read:

17 949.06 (1) (g) If a child has been the victim of a crime under s. 940.225, 948.02,
18 948.025, 948.03, 948.055, 948.06, 948.07, 948.08, 948.09, or 948.095, mental health
19 treatment for the child's custodial parent or legal guardian that the parent or
20 guardian obtains for himself or herself in response to the offense.

21 **SECTION 938cv.** 949.06 (1c) of the statutes is created to read:

22 949.06 (1c) The department may order the payment of an award to a person
23 under s. 949.03 (2) for mental health treatment directly related to the child's reaction
24 to observing or hearing an act of domestic abuse, as defined in s. 813.12 (1) (a). The
25 department shall establish limits to awards under this subsection.

1 **SECTION 938cx.** 949.06 (1e) of the statutes is created to read:

2 **949.06 (1e)** The department may order the payment of an award to a person
3 under s. 949.03 (3) for mental health treatment directly related to the person's
4 reaction to witnessing the crime to which that section relates. The department shall
5 establish limits to awards under this subsection.

6 **SECTION 938ec.** 949.06 (5) (a) of the statutes is renumbered 949.06 (5) and
7 amended to read:

8 **949.06 (5)** ~~Except as provided in pars. (b) to (e), the~~ The department shall make
9 awards under this section from the appropriations under s. 20.455 (5) (b), (kj), and
10 (m).

11 **SECTION 938ee.** 949.06 (5) (b), (c), (d) and (e) of the statutes are repealed.

12 **SECTION 938eg.** 949.11 (3) of the statutes is renumbered 949.11 (3) (a) and
13 amended to read:

14 **949.11 (3) (a)** ~~All~~ Except as provided in par. (b), all hearings shall be open to
15 the public ~~unless, but the examiner and the department shall comply with s. 949.16~~
16 (2).

17 (b) The hearing examiner may close a hearing or a portion of a hearing in a
18 particular case the examiner determines that the hearing, or a portion thereof, shall
19 be held in private having with regard to the fact that the offender has not been
20 convicted or to the interest of the victim of an alleged sexual offense.

21 **SECTION 938ej.** 949.16 of the statutes is renumbered 949.16 (1) and amended
22 to read:

23 **949.16 (1)** ~~The~~ Except as provided in sub. (2), the record of a proceeding before
24 an examiner or the department under this chapter is a public record. Any record or

1 report obtained by an examiner or the department, the confidentiality of which is
2 protected by sub. (2) or any other law or rule, shall remain confidential.

3 **SECTION 938eL.** 949.16 (2) of the statutes is created to read:

4 949.16 (2) The examiner and the department shall keep confidential the
5 address, the electronic address, and the telephone number of each victim, applicant,
6 and member of the victim’s family or household.

7 **SECTION 938en.** 950.04 (1v) (g) of the statutes is amended to read:

8 950.04 (1v) (g) To have reasonable attempts made to notify the victim of
9 hearings or court proceedings, as provided under ss. 302.113 (9g) (g) 2., 302.114 (6),
10 938.27 (4m) and (6), 938.273 (2), ~~and~~ 971.095 (3) and ~~972.14 (3) (b).~~”.

11 **498.** Page 293, line 14: after that line insert:

12 “**SECTION 939m.** 950.04 (1v) (gm) of the statutes is created to read:

13 950.04 (1v) (gm) To have reasonable attempts made to notify the victim of
14 petitions for sentence adjustment as provided under s. 973.195 (1) (d) or (2) (c).”.

15 **499.** Page 293, line 18: after that line insert:

16 “**SECTION 940dg.** 950.04 (1v) (ve) of the statutes is created to read:

17 950.04 (1v) (ve) If a hearing is scheduled in response to a petition filed by the
18 department of corrections under s. 973.032 (4m) (b) for permission to release a person
19 from a placement in the intensive supervision program under s. 301.048 (3) (a) 1., to
20 have the appropriate clerk of court send the victim a copy of a petition and
21 notification of the hearing on that petition under s. 973.032 (4m) (c).”.

22 **500.** Page 293, line 18: after that line insert:

23 “**SECTION 940f.** 950.08 (2g) (c) of the statutes is amended to read:

1 950.08 (2g) (c) The address and telephone number of the intake worker,
2 corporation counsel, or district attorney whom the victim may contact to obtain
3 information concerning the rights of victims and to request notice of court
4 proceedings under ss. 938.27 (4m) and (6), 938.273 (2), and 938.299 (1) (am) ~~and~~
5 ~~938.335 (3m) (b) or ss. or under s.~~ 971.095 (3) ~~and 972.14 (3) (b)~~, whichever is
6 applicable, and to request the opportunity to confer under ~~ss. s.~~ 938.245 (1m),
7 938.265, or 938.32 (1) (am) or under s. 971.095 (2), whichever is applicable.”.

8 **501.** Page 328, line 7: after that line insert:

9 “**SECTION 1112p.** 972.14 (3) (b) of the statutes is amended to read:

10 972.14 (3) (b) ~~After a conviction, if~~ If the district attorney knows of a victim of
11 a crime to be considered at sentencing, the district attorney shall make a reasonable
12 attempt to contact that person to inform him or her of the right to make or provide
13 a statement under par. (a). Any failure to comply with this paragraph is not a ground
14 for an appeal of a judgment of conviction or for any court to reverse or modify a
15 judgment of conviction.”.

16 **502.** Page 332, line 13: after “under s.” insert “301.048 (6) (c).”.

17 **503.** Page 332, line 13: after that line insert:

18 “**SECTION 1132m.** 973.01 (5) of the statutes is amended to read:

19 973.01 (5) OTHER EXTENDED SUPERVISION CONDITIONS. Whenever the court
20 imposes a bifurcated sentence under sub. (1), the court may impose conditions upon
21 the term of extended supervision, including drug treatment under s. 973.031.”.

22 **504.** Page 332, line 13: substitute “302.113 (9g), or 973.195 (1)” for “or 302.113
23 (9g)”.

1 **505.** Page 338, line 22: delete the material beginning with that line and
2 ending with page 339, line 4, and substitute:

3 “(10mm) REQUIRED FINDINGS OF FACT. (a) Except as provided in par. (b), the
4 court shall make explicit findings of fact in open court and on the record to support
5 each element of its sentencing decision, including its decision as to whether to impose
6 a bifurcated sentence under s. 973.01 or to place a person on probation and its
7 decision as to the length of a bifurcated sentence, including the length of each
8 component of the bifurcated sentence, the amount of a fine, and the length of a term
9 of probation.

10 (b) If the court determines that is not in the interest of the defendant to make
11 the findings of fact required under par. (a) in the defendant’s presence, the court shall
12 make the findings of fact in writing and include the written findings in the record.

13 (11m) STANDARD OF REVIEW ON APPEAL. In an appeal from a court’s sentencing
14 decision, the appellate court shall reverse the sentencing decision if it determines
15 that the sentencing court erroneously exercised its discretion in making the
16 sentencing decision or there is not substantial evidence in the record to support the
17 sentencing decision.”.

18 **506.** Page 339, line 9: after that line insert:

19 “SECTION 1137m. 973.031 of the statutes is created to read:

20 **973.031 Court-ordered drug treatment.** When the court imposes a
21 sentence or places a person on probation for any offense committed on or after the
22 effective date of this section [revisor inserts date], the court may order the person
23 to participate in a drug treatment program as a condition of probation or, in the case
24 of a person sentenced under s. 973.01, while the person is in prison or as a condition

1 of extended supervision or both. The court may order the department to pay for the
2 cost of drug treatment under this section from the appropriation under s. 20.410 (1)
3 (a) for persons in jail or prison or under s. 20.410 (1) (b) for persons on probation or
4 extended supervision.”.

5 **507.** Page 339, line 10: delete lines 10 to 13 and substitute:

6 “**SECTION 1137p.** 973.032 (title) of the statutes is amended to read:

7 **973.032** (title) ~~Sentence to~~ **Required participation in intensive**
8 **sanctions program.**

9 **SECTION 1137pb.** 973.032 (1) of the statutes is amended to read:

10 973.032 (1) ~~SENTENCE AUTHORITY TO ORDER. Beginning July 1, 1992, Except as~~
11 ~~provided in sub. (2).~~ a court may ~~sentence order~~ a person who is convicted of a felony
12 ~~occurring on or after August 15, 1991, but before December 31, 1999, to participate~~
13 ~~in the intensive sanctions program under s. 301.048. If a person is convicted of a~~
14 ~~felony occurring on or after December 31, 1999, a court may not sentence the person~~
15 ~~to participate in the intensive sanctions program under s. 301.048 during the entire~~
16 ~~term of confinement in prison portion of the bifurcated sentence.~~

17 **SECTION 1137q.** 973.032 (2) (a) of the statutes is amended to read:

18 973.032 (2) (a) A court may ~~sentence order~~ a person ~~to participate in the~~
19 ~~intensive sanctions program~~ under sub. (1) if the department provides a presentence
20 investigation report recommending that the person be ~~sentenced to~~ ~~ordered to~~
21 ~~participate in~~ the program. If the department does not make the recommendation,
22 a court may order the department to assess and evaluate the person. After that
23 assessment and evaluation, the court may ~~sentence order~~ the person to ~~participate~~

1 in the program unless the department objects on the ground that it recommends that
2 the person be placed on probation.

3 **SECTION 1137r.** 973.032 (2) (b) of the statutes is amended to read:

4 973.032 (2) (b) Notwithstanding par. (a), the court may not sentence order a
5 person to participate in the intensive sanctions program under sub. (1) if he or she
6 is convicted of a felony punishable by life imprisonment or has at any time been
7 convicted, adjudicated delinquent, or found not guilty or not responsible by reason
8 of insanity or mental disease, defect, or illness for committing a violent offense, as
9 defined in s. 301.048 (2) (bm).

10 **SECTION 1137s.** 973.032 (3) (intro.) of the statutes is repealed.

11 **SECTION 1137t.** 973.032 (3) (a) of the statutes is repealed.

12 **SECTION 1137u.** 973.032 (3) (b) of the statutes is renumbered 973.032 (3) (b)
13 (intro.) and amended to read:

14 973.032 (3) (b) (intro.) The If the court orders a person to participate in the
15 intensive sanctions program under sub. (1), the court shall provide a maximum
16 period for placements do all of the following:

17 1. Order that the person be placed under s. 301.048 (3) (a) 1., ~~which may not~~
18 ~~exceed for at least one year unless the defendant waives this requirement.~~

19 **SECTION 1137um.** 973.032 (3) (b) 2. of the statutes is created to read:

20 973.032 (3) (b) 2. Subject to the limitation imposed under s. 301.048 (3) (bm)
21 2., specify the date on which the person is eligible for release from that placement
22 under sub. (4m).

23 **SECTION 1137v.** 973.032 (3) (c) 2. of the statutes is amended to read:

24 973.032 (3) (c) 2. The court may prescribe reasonable and necessary conditions
25 ~~of the sentence in accordance with s. 301.048 (3)~~ in an order issued under sub. (1),

1 except the court may not specify a particular Type 1 prison, jail, camp, or facility
2 where the offender is to be placed under s. 301.048 (3) (a) and the court may not
3 restrict the department's authority under s. 301.048 (3) (b) or (c).

4 **SECTION 1137w.** 973.032 (4) of the statutes is repealed.”.

5 **508.** Page 339, line 13: after that line insert:

6 **“SECTION 1138wh.** 973.032 (4m) of the statutes is created to read:

7 973.032 **(4m)** RELEASE TO COMMUNITY. (a) In this subsection, “victim” has the
8 meaning given in s. 950.02 (4).

9 (b) No earlier than 30 days before the date specified by the court under sub. (3)
10 (b) 2., the department may petition the court for permission to release a person
11 subject to an order under sub. (1) from a placement described under s. 301.048 (3) (a)
12 1.

13 (c) Upon the filing of a petition under par. (b), the court, with or without a
14 hearing, may authorize the department to release the person from his or her
15 placement any time after the date specified under sub. (3) (b) 2. If the court schedules
16 a hearing on the petition, the clerk of the circuit court in which the petition is filed
17 shall send a copy of the petition and a notice of hearing to the victim of the crime
18 committed by the inmate, if the victim has submitted a card under par. (e) requesting
19 notification, at least 10 days before the date of the hearing.

20 (d) The notice under par. (c) shall inform the victim that he or she may appear
21 at the hearing and shall inform the victim of the manner in which he or she may
22 provide written statements concerning the inmate's petition for release to extended
23 supervision.

1 (e) The director of state courts shall design and prepare cards for a victim to
2 send to the clerk of the circuit court in which the inmate is convicted and sentenced.
3 The cards shall have space for a victim to provide his or her name and address, the
4 name of the applicable inmate and any other information the director of state courts
5 determines is necessary. The director of state courts shall provide the cards, without
6 charge, to clerks of circuit court. Clerks of circuit court shall provide the cards,
7 without charge, to victims. Victims may send completed cards to the clerk of the
8 circuit court in which the inmate was convicted and sentenced. All court records or
9 portions of records that relate to mailing addresses of victims are not subject to
10 inspection or copying under s. 19.35 (1).

11 (f) If the court schedules a hearing on a petition filed under par. (b), the clerk
12 of the court shall provide a copy of the petition and a notice of the hearing to the
13 district attorney at least 10 days before the hearing.

14 **SECTION 1138x.** 973.032 (5) of the statutes is repealed.

15 **SECTION 1138y.** 973.032 (6) of the statutes is amended to read:

16 973.032 **(6)** CREDIT. Any sentence credit under s. 973.155 (1) applies toward
17 ~~service of the period under sub. (3) (a) the term of confinement in prison portion of~~
18 ~~the bifurcated sentence of a person who is subject to this section~~ but does not apply
19 toward service of the period under sub. (3) (b).

20 **SECTION 1138z.** 973.032 (7) of the statutes is created to read:

21 973.032 **(7)** PARTICIPANTS ON EXTENDED SUPERVISION. The court or the
22 department may require a person ordered to participate in the intensive sanctions
23 program under sub. (1) to remain in the intensive sanctions program as a condition
24 of extended supervision, but subs. (2) to (6) do not apply to such persons once they
25 are on extended supervision.”.

1 **509.** Page 339, line 17: after that line insert:

2 “**SECTION 1141m.** 973.09 (6) of the statutes is created to read:

3 973.09 **(6)** The court may require as a condition of probation that the person
4 participate in a drug treatment program under s. 973.031.”.

5 **510.** Page 342, line 6: after that line insert:

6 “**SECTION 1143n.** 973.20 (10) of the statutes is amended to read:

7 973.20 **(10)** The court may require that restitution be paid immediately, within
8 a specified period or in specified ~~instalments~~ installments. If the defendant is placed
9 on probation or sentenced to imprisonment, the end of a specified period shall not be
10 later than the end of any period of probation, extended supervision, or parole. ~~If the~~
11 ~~defendant is sentenced to the intensive sanctions program, the end of a specified~~
12 ~~period shall not be later than the end of the sentence under s. 973.032 (3) (a).”.~~

13 **511.** Page 342, line 6: after that line insert:

14 “**SECTION 1143m.** 973.195 of the statutes is created to read:

15 **973.195 SENTENCE ADJUSTMENT. (1) CONFINEMENT IN PRISON.** (a) An inmate
16 who is serving a sentence imposed under s. 973.01 for a crime other than a Class B
17 felony may petition the sentencing court to adjust the sentence if the inmate has
18 served at least 25 percent of the term of confinement in prison portion of the sentence.
19 If an inmate is subject to more than one sentence imposed under this section, the
20 sentences shall be treated individually for purposes of sentence adjustment under
21 this subsection.

22 (b) Any of the following is a ground for a petition under par. (a):

1 1. The inmate's conduct, efforts at and progress in rehabilitation, or
2 participation and progress in education, treatment, or other correctional programs
3 since he or she was sentenced.

4 3. A change in law or procedure related to sentencing or revocation of extended
5 supervision effective after the inmate was sentenced that would have resulted in a
6 shorter term of confinement in prison or, if the inmate was returned to prison upon
7 revocation of extended supervision, a shorter period of confinement in prison upon
8 revocation, if the change had been applicable when the inmate was sentenced.

9 4. The inmate is subject to a sentence of confinement in another state or the
10 inmate is in the United States illegally and may be deported.

11 5. Sentence adjustment is otherwise in the interests of justice.

12 (c) Upon receipt of a petition filed under par. (a), the sentencing court may deny
13 the petition or hold the petition for further consideration. If the court holds the
14 petition for further consideration, the court shall notify the district attorney of the
15 inmate's petition. If the district attorney objects to adjustment of the inmate's
16 sentence within 45 days of receiving notification under this paragraph, the court
17 shall deny the inmate's petition.

18 (d) If the sentence for which the inmate seek's adjustment is for an offense
19 under s. 940.225 (2) or (3), 948.02 (2), or 948.08 and the district attorney does not
20 object to the petition within 10 days of receiving notice under par. (c), the district
21 attorney shall notify the the victim, as defined under s. 950.02 (4), of the inmate's
22 petition. The notice to the victim shall include information on the sentence
23 adjustment petition process under this subsection, including information on how to
24 object to the inmate's petition. If the victim objects to adjustment of the inmate's

1 sentence within 45 days of the date on which the district attorney received notice
2 under par. (c), the court shall deny the inmate's petition.

3 (e) Notwithstanding the confidentiality of victim address information obtained
4 under s. 302.113 (9g) (g) 3., a district attorney who is required to send notice to a
5 victim under par. (d) or sub. (2) (c) may obtain from the clerk of the circuit court victim
6 address information that the victim provided to the clerk under s. 302.113 (9g) (g) 3.

7 (f) If the sentencing court receives no objection to sentence adjustment from the
8 district attorney under par. (c) or the victim under par. (d) and the court determines
9 that sentence adjustment is in the public interest, the court may adjust the inmate's
10 sentence as provided under par. (g). The court shall include in the record written
11 reasons for any sentence adjustment granted under this subsection.

12 (g) Except as provided under par. (h), the only sentence adjustments that a
13 court may make under this subsection are as follows:

14 1. If the inmate is serving the term of confinement in prison portion of the
15 sentence, a reduction in the term of confinement in prison by the amount of time
16 remaining in the term of confinement in prison portion of the sentence, less up to 30
17 days, and a corresponding increase in the term of extended supervision.

18 2. If the inmate is confined in prison upon revocation of extended supervision,
19 a reduction in the amount of time remaining in the period of confinement in prison
20 imposed upon revocation, less up to 30 days, and a corresponding increase in the term
21 of extended supervision.

22 (h) 1. If the court adjusts a sentence under par. (g) on the basis of a change in
23 law or procedure as provided under par. (b) 3. and the total sentence length of the
24 adjusted sentence is greater than the maximum sentence length that the offender
25 could have received if the change in law or procedure had been applicable when the

1 inmate was originally sentenced, the court may reduce the length of the term of
2 extended supervision so that the total sentence length does not exceed the maximum
3 sentence length that the offender could have received if the change in law or
4 procedure had been applicable when the inmate was originally sentenced.

5 2. If the court adjusts a sentence under par. (g) on the basis of a change in law
6 or procedure as provided under par. (b) 3. and the adjusted term of extended
7 supervision is greater than the maximum term of extended supervision that the
8 offender could have received if the change in law or procedure had been applicable
9 when the inmate was originally sentenced, the court may reduce the length of the
10 term of extended supervision so that the term of extended supervision does not
11 exceed the maximum term of extended supervision that the offender could have
12 received if the change in law or procedure had been applicable when the inmate was
13 originally sentenced.

14 (i) If an inmate's petition under this subsection is denied, the inmate may not
15 submit another petition concerning the same sentence within 3 years of the date that
16 the petition was denied. An inmate may submit no more than 2 petitions under this
17 subsection for each sentence imposed under s. 973.01.

18 **(2) EXTENDED SUPERVISION.** (a) A person who is serving a term of extended
19 supervision imposed under s. 973.01 for a crime other than a Class B felony may
20 petition the sentencing court to adjust the length of the term of extended supervision
21 if the person has served at least 25 percent of the term of extended supervision and
22 if a change law or procedure related to sentencing or revocation of extended
23 supervision effective after the person was sentenced would have resulted in either
24 a shorter total sentence or a shorter term of extended supervision had the change
25 been applicable when the person was sentenced. If a petitioner is subject to more

1 than one term of extended supervision imposed under s. 973.01, the terms of
2 extended supervision shall be treated individually for purposes of adjustment under
3 this subsection.

4 (b) Upon receipt of a petition filed under par. (a), the sentencing court may deny
5 the petition or hold the petition for further consideration. If the court holds the
6 petition for further consideration, the court shall notify the district attorney of the
7 petition. If the district attorney objects to adjustment of the petitioner's term of
8 extended supervision within 45 days of receiving notification under this paragraph,
9 the court shall deny the petition.

10 (c) If the term of extended supervision for which the petitioner seeks
11 adjustment was imposed for an offense under s. 940.225 (2) or (3), 948.02 (2), or
12 948.08 and the district attorney does not object to the petition within 10 days of
13 receiving notice under par. (b), the district attorney shall notify the the victim, as
14 defined under s. 950.02 (4), of the petition. The district attorney may obtain victim
15 address information as provided under sub. (1) (e). The notice to the victim shall
16 include information on the extended supervision adjustment petition process under
17 this subsection, including information on how to object to the petitioner's petition.
18 If the victim objects to adjustment of the petitioner's term of extended supervision
19 within 45 days of the date on which the district attorney received notice under par.
20 (b), the court shall deny the petition.

21 (d) If the sentencing court receives no objection to sentence adjustment from
22 the district attorney under par. (b) or the victim under par. (c) and the court
23 determines that adjustment of the term of extended supervision is in the public
24 interest, the court may adjust the petitioner's term of extended supervision so that
25 the total sentence length and the term of extended supervision are no longer than

1 they could have been if the change in law or procedure had been applicable at the
2 time the person was sentenced. The court shall include in the record written reasons
3 for any adjustment granted under this subsection.

4 (e) If a person's petition under this subsection is denied, the person may not
5 submit another petition under this subsection concerning the same term of extended
6 supervision within 3 years of the date that the petition was denied. A person may
7 submit no more than 2 petitions under this subsection for each term of extended
8 supervision imposed under s. 973.01.

9 (3) OTHER PETITIONS. Filing a petition under this section does not affect a
10 person's right to file a petition for sentence modification under s. 809.30 or 973.19 or
11 to petition the sentencing court for sentence modification on the basis of a new
12 factor.”.

13 **512.** Page 345, line 19: after that line insert:

14 “SECTION 1156m. 1997 Wisconsin Act 27, section 9456 (3m), as last amended
15 by 2001 Wisconsin Act 16, is amended to read:

16 [1997 Wisconsin Act 27] Section 9456 (3m) ELIMINATION OF LAND INFORMATION
17 BOARD AND WISCONSIN LAND COUNCIL. The treatment of sections 15.07 (1) (b) 16.,
18 15.105 (16), 16.968 (by SECTION 142am), 20.505 (1) (title) (by SECTION 666h), 20.505
19 (1) (ka) (by SECTION 669am), 23.27 (3) (a) (by SECTION 769ad), 23.325 (1) (a), 36.09 (1)
20 (e), 36.25 (12m) (intro.), 59.72 (1) (a) and (b), (3) (intro.), (a) and (b) and ~~(5)~~ and 92.10
21 (4) (a) of the statutes, the repeal of sections 16.966 (1), (2) and (4), 16.967, 20.505 (1)
22 (ie), (ig), (ij) and (ks), 23.32 (2) (d), ~~59.43 (1) (u)~~ and 59.72 (1) (am), (3) (c) and (4) of
23 the statutes and SECTION 9101 (1) of this act take effect on September 1, 2003.”.

24 **513.** Page 345, line 25: after that line insert:

1 “**SECTION 1157s.** 1999 Wisconsin Act 9, section 9158 (8w) (e) is repealed.”.

2 **514.** Page 346, line 8: after that line insert:

3 “**SECTION 1160p.** 2001 Wisconsin Act 16, section 9157 (7e) is amended to read:

4 [2001 Wisconsin Act 16] Section 9157 (7e) COST-EFFECTIVE TRANSPORTATION
5 SERVICES FOR VETERANS. The department of veterans affairs and the department of
6 administration, jointly, shall determine the most cost-effective methods for
7 providing statewide transportation services to disabled veterans under section 45.43
8 (7m) of the statutes, as created by this act.”.

9 **515.** Page 346, line 8: after that line insert:

10 “**SECTION 1160p.** 2001 Wisconsin Act 16, section 9158 (8x) is amended to read:

11 [2001 Wisconsin Act 16] Section 9158 (8x) COMMUNITY YOUTH GRANTS.
12 Notwithstanding section 49.175 (1) (z) of the statutes, as affected by this act, from
13 the moneys allocated under section 49.175 (1) (z) of the statutes, as affected by this
14 act, the department of workforce development shall provide grants in each fiscal year
15 of the 2001–03 fiscal biennium to the Wisconsin chapters of the Boys and Girls Clubs
16 of America to improve social, academic, and employment skills of youth who are
17 eligible to receive temporary assistance for needy families under 42 USC 601 et seq.
18 The total amount of grants that are provided under this subsection in each fiscal year
19 of the 2001–03 fiscal biennium shall be \$50,000 \$300,000.”.

20 **516.** Page 346, line 13: after that line insert:

21 “**SECTION 1160rd.** 2001 Wisconsin Act 16, section 9323 (18k), (18m), (18n),
22 (18pk), (18pm) and (18pn) are repealed.

23 **SECTION 1160ut.** 2001 Wisconsin Act 16, section 9423 (18k) is repealed.”.

24 **517.** Page 348, line 9: after that line insert:

1 “(4w) TRANSFER TO BUDGET STABILIZATION FUND. Before July 1, 2003, the
2 secretary of administration shall transfer an amount equal to \$15,229,500 from the
3 general fund to the budget stabilization fund.”.

4 **518.** Page 350, line 3: delete lines 3 to 11.

5 **519.** Page 352, line 12: after that line insert:

6 “(9x) WISCONSIN TRIBAL–STATE COUNCIL.

7 (a) Notwithstanding section 16.42 (1) (e) of the statutes, in submitting
8 information under section 16.42 of the statutes for purposes of the 2003–05 biennial
9 budget bill, the department of administration shall submit a dollar amount for the
10 appropriation under section 20.505 (4) (kt) of the statutes, as created by this act, that
11 is \$15,000 less than the total amount appropriated under section 20.505 (4) (kt) of
12 the statutes for the 2002–03 fiscal year, before submitting any information relating
13 to any increase or decrease in the dollar amount for that appropriation for the
14 2003–05 fiscal biennium.

15 (b) There is authorized for the Wisconsin tribal–state council 1.0 FTE PR
16 executive director position and 2.0 FTE PR other positions, to be funded from the
17 appropriation under section 20.505 (4) (kt) of the statutes, as created by this act.”.

18 **520.** Page 352, line 18: after that line insert:

19 “(1q) TRANSFER TO THE UNIVERSITY OF WISCONSIN–EXTENSION.

20 (a) *Assets and liabilities.* On the effective date of this paragraph, the assets and
21 liabilities of the department of agriculture, trade and consumer protection that are
22 primarily related to the functions of the conservation engineering section in the land
23 and water resources bureau and that are primarily related to the soil erosion control
24 and federal and county liaison functions of the conservation management section in

1 the land and water resources bureau, as determined by the secretary of
2 administration, shall become the assets and liabilities of the University of Wisconsin
3 System.

4 (b) *Position transfers.* On the effective date of this paragraph:

5 1. The authorized FTE positions for the department of agriculture, trade and
6 consumer protection are decreased by 0.2 GPR position related to land and water
7 resource management planning, 0.1 GPR position related to soil erosion, 1.0 GPR
8 position related to certification, 0.5 GPR position related to engineering design, and
9 0.5 GPR position related to computer design programming funded from the
10 appropriation under section 20.115 (7) (a) of the statutes.

11 2. The authorized FTE positions for the department of agriculture, trade and
12 consumer protection are decreased by 1.75 PR positions related to land and water
13 resource management planning, 0.25 PR position related to soil erosion, 0.5 PR
14 position related to certification, and 0.5 PR position related to engineering design
15 funded from the appropriation under section 20.115 (7) (k) of the statutes.

16 3. The authorized FTE positions for the department of agriculture, trade and
17 consumer protection are decreased by 0.5 SEG position related to performance
18 standard evaluation, 1.0 SEG position related to county liaison, 4.0 SEG positions
19 related to certification, and 4.0 SEG positions related to engineering design funded
20 from the appropriation under section 20.115 (7) (qd) of the statutes.

21 4. There are authorized for the University of Wisconsin System 0.2 FTE GPR
22 position related to land and water resource management planning, 0.1 FTE GPR
23 position related to soil erosion, 1.0 FTE GPR position related to certification, 0.5 FTE
24 GPR position related to engineering design, and 0.5 FTE GPR position related to

1 computer design programming to be funded from the appropriation under section
2 20.285 (1) (eq) of the statutes, as created by this act.

3 5. There are authorized for the University of Wisconsin System 1.75 FTE PR
4 positions related to land and water resource management planning, 0.25 FTE PR
5 position related to soil erosion, 0.5 FTE PR position related to certification, and 0.5
6 FTE PR position related to engineering design to be funded from the appropriation
7 under section 20.285 (1) (k) of the statutes.

8 6. There are authorized for the University of Wisconsin System 0.5 FTE SEG
9 position related to performance standard evaluation, 1.0 FTE SEG position related
10 to county liaison, 4.0 FTE SEG positions related to certification, and 4.0 FTE SEG
11 positions related to engineering design to be funded from the appropriation under
12 section 20.285 (1) (rm) of the statutes, as created by this act.

13 (c) *Employee transfers.* All incumbent employees holding positions in the
14 department of agriculture, trade and consumer protection that are specified in
15 paragraph (b) 1. to 3. are transferred on the effective date of this paragraph to the
16 University of Wisconsin System.

17 (d) *Employee status.* Employees transferred under paragraph (c) shall have the
18 same rights and status under subchapter V of chapter 111 and chapter 230 of the
19 statutes in the University of Wisconsin System that they enjoyed in the department
20 of agriculture, trade and consumer protection immediately before the transfer.
21 Notwithstanding section 230.28 (4) of the statutes, no employee so transferred who
22 has attained permanent status in class is required to serve a probationary period.

23 (e) *Tangible personal property.* On the effective date of this paragraph, all
24 tangible personal property, including records, of the department of agriculture, trade
25 and consumer protection that is primarily related to the functions of the conservation

1 engineering section in the land and water resources bureau and that is primarily
2 related to the soil erosion control and federal and county liaison functions of the
3 conservation management section in the land and water resources bureau, as
4 determined by the secretary of administration, shall be transferred to the University
5 of Wisconsin System.

6 (f) *Contracts.* All contracts entered into by the department agriculture, trade
7 and consumer protection in effect on the effective date of this paragraph that are
8 primarily related to the functions of the conservation engineering section in the land
9 and water resources bureau and that are primarily related to the soil erosion control
10 and federal and county liaison functions of the conservation management section in
11 the land and water resources bureau, as determined by the secretary of
12 administration, remain in effect and are transferred to the University of Wisconsin
13 System. The University of Wisconsin System shall carry out any such contractual
14 obligations except to the extent that the contracts are modified or rescinded by the
15 University of Wisconsin System in a manner allowed under the contracts.

16 (g) *Rules and orders.* All rules promulgated by the department of agriculture,
17 trade and consumer protection that are primarily related to the functions of the
18 conservation engineering section in the land and water resources bureau and that
19 are primarily related to the soil erosion control and federal and county liaison
20 functions of the conservation management section in the land and water resources
21 bureau, as determined by the secretary of administration, and that are in effect on
22 the effective date of this paragraph remain in effect until their specified expiration
23 dates or until amended or repealed by the University of Wisconsin System. All orders
24 issued by the department of agriculture, trade and consumer protection that are
25 primarily related to the functions of the conservation engineering section in the land

1 and water resources bureau and that are primarily related to the soil erosion control
2 and federal and county liaison functions of the conservation management section in
3 the land and water resources bureau, as determined by the secretary of
4 administration, and that are in effect on the effective date of this paragraph remain
5 in effect until their specified expiration dates or until modified or rescinded by the
6 University of Wisconsin System.

7 (h) *Pending matters.* Any matter pending with the department of agriculture,
8 trade and consumer protection on the effective date of this paragraph that is
9 primarily related to the functions of the conservation engineering section in the land
10 and water resources bureau or that is primarily related to the soil erosion control and
11 federal and county liaison functions of the conservation management section in the
12 land and water resources bureau, as determined by the secretary of administration,
13 is transferred to the University of Wisconsin System and all materials submitted to
14 or actions taken by the department of agriculture, trade and consumer protection
15 with respect to the pending matter are considered as having been submitted to or
16 taken by the University of Wisconsin System.

17 (1qq) TRANSFER TO THE DEPARTMENT OF NATURAL RESOURCES.

18 (a) *Assets and liabilities.* On the effective date of this paragraph, the assets and
19 liabilities of the department of agriculture, trade and consumer protection that are
20 primarily related to the conservation reserve enhancement program and land and
21 water resource management planning functions of the conservation management
22 section in the land and water resources bureau and that are primarily related to the
23 grant administration and drainage district program functions of the resource
24 evaluation and grants section in the land and water resources bureau, as determined

1 by the secretary of administration, shall become the assets and liabilities of the
2 department of natural resources.

3 (b) *Position transfers.* On the effective date of this paragraph:

4 1. The authorized FTE positions for the department of agriculture, trade and
5 consumer protection are decreased by 1.25 GPR positions related to soil and water
6 resource management grants, 1.2 GPR positions related to drainage districts, and
7 1.13 GPR positions related to the conservation reserve enhancement program
8 funded from the appropriation under section 20.115 (7) (a) of the statutes.

9 2. The authorized FTE positions for the department of agriculture, trade and
10 consumer protection are decreased by 0.75 PR position related to the conservation
11 reserve enhancement program funded from the appropriation under section 20.115
12 (7) (g) of the statutes.

13 3. The authorized FTE positions for the department of agriculture, trade and
14 consumer protection are decreased by 1.0 SEG position related to soil and water
15 resource management grants and 0.5 SEG position related to the conservation
16 reserve enhancement program funded from the appropriation under section 20.115
17 (7) (qd) of the statutes.

18 4. There are authorized for the department of natural resources 1.25 FTE GPR
19 positions related to soil and water resource management grants, 1.2 FTE GPR
20 positions related to drainage districts, and 1.13 FTE GPR positions related to the
21 conservation reserve enhancement program to be funded from the appropriation
22 under section 20.370 (4) (ma) of the statutes.

23 5. There is authorized for the department of natural resources 0.75 FTE PR
24 position related to the conservation reserve enhancement program to be funded from
25 the appropriation under section 20.370 (4) (cg) of the statutes, as created by this act.

1 6. There are authorized for the department of natural resources 1.0 FTE SEG
2 position related to soil and water resource management grants and 0.5 FTE SEG
3 position related to the conservation reserve enhancement program to be funded from
4 the appropriation under section 20.370 (4) (mr) of the statutes, as created by this act.

5 (c) *Employee transfers.* All incumbent employees holding positions in the
6 department of agriculture, trade and consumer protection that are specified in
7 paragraph (b) 1. to 3. are transferred on the effective date of this paragraph to the
8 department of natural resources.

9 (d) *Employee status.* Employees transferred under paragraph (c) shall have the
10 same rights and status under subchapter V of chapter 111 and chapter 230 of the
11 statutes in the department of natural resources that they enjoyed in the department
12 of agriculture, trade and consumer protection immediately before the transfer.
13 Notwithstanding section 230.28 (4) of the statutes, no employee so transferred who
14 has attained permanent status in class is required to serve a probationary period.

15 (e) *Tangible personal property.* On the effective date of this paragraph, all
16 tangible personal property, including records, of the department of agriculture, trade
17 and consumer protection that is primarily related to the conservation reserve
18 enhancement program and land and water resource management planning
19 functions of the conservation management section in the land and water resources
20 bureau and that is primarily related to the grant administration and drainage
21 district program functions of the resource evaluation and grants section in the land
22 and water resources bureau, as determined by the secretary of administration, shall
23 be transferred to the department of natural resources.

24 (f) *Contracts.* All contracts entered into by the department agriculture, trade
25 and consumer protection in effect on the effective date of this paragraph that are

1 primarily related to the conservation reserve enhancement program and land and
2 water resource management planning functions of the conservation management
3 section in the land and water resources bureau and that are primarily related to the
4 grant administration and drainage district program functions of the resource
5 evaluation and grants section in the land and water resources bureau, as determined
6 by the secretary of administration, remain in effect and are transferred to the
7 department of natural resources. The department of natural resources shall carry
8 out any such contractual obligations except to the extent that the contracts are
9 modified or rescinded by the department of natural resources in a manner allowed
10 under the contracts.

11 (g) *Rules and orders.* All rules promulgated by the department of agriculture,
12 trade and consumer protection that are primarily related to the conservation reserve
13 enhancement program and land and water resource management planning
14 functions of the conservation management section in the land and water resources
15 bureau and that are primarily related to the grant administration and drainage
16 district program functions of the resource evaluation and grants section in the land
17 and water resources bureau, as determined by the secretary of administration, and
18 that are in effect on the effective date of this paragraph remain in effect until their
19 specified expiration dates or until amended or repealed by the department of natural
20 resources. All orders issued by the department of agriculture, trade and consumer
21 protection that are primarily related to the conservation reserve enhancement
22 program and land and water resource management planning functions of the
23 conservation management section in the land and water resources bureau and that
24 are primarily related to the grant administration and drainage district program
25 functions of the resource evaluation and grants section in the land and water

1 resources bureau, as determined by the secretary of administration, and that are in
2 effect on the effective date of this paragraph remain in effect until their specified
3 expiration dates or until modified or rescinded by the department of natural
4 resources.

5 (h) *Pending matters.* Any matter pending with the department of agriculture,
6 trade and consumer protection on the effective date of this paragraph that is
7 primarily related to the conservation reserve enhancement program and land and
8 water resource management planning functions of the conservation management
9 section in the land and water resources bureau or that is primarily related to the
10 grant administration and drainage district program functions of the resource
11 evaluation and grants section in the land and water resources bureau, as determined
12 by the secretary of administration, is transferred to the department of natural
13 resources and all materials submitted to or actions taken by the department of
14 agriculture, trade and consumer protection with respect to the pending matter are
15 considered as having been submitted to or taken by the department of natural
16 resources.

17 (1qr) ELIMINATION OF BUREAU DIRECTOR POSITION. The authorized FTE positions
18 for the department of agriculture, trade and consumer protection are decreased by
19 1.0 GPR position funded from the appropriation under section 20.115 (7) (a) of the
20 statutes to eliminate the position of director of the land and water resources
21 bureau.”.

22 **521.** Page 352, line 18: after that line insert:

23 “(4xv) TRANSFER OF CONSUMER PROTECTION FUNCTIONS.

1 (a) *Assets and liabilities.* All assets and liabilities of the department of
2 agriculture, trade and consumer protection that are primarily related to programs
3 or functions transferred to the department of justice under this act shall become the
4 assets and liabilities of the department of justice. The departments of justice and
5 agriculture, trade and consumer protection shall jointly determine these assets and
6 liabilities and shall jointly develop and implement a plan for their orderly transfer.
7 In the event of any disagreement between the departments, the secretary of
8 administration shall decide the question. If either department is dissatisfied with
9 the secretary's decision, the department may bring the matter to the cochairpersons
10 of the joint committee on finance for consideration by the committee, and the
11 committee shall affirm or modify the decision.

12 (b) *Employee transfers.* In the department of agriculture, trade and consumer
13 protection 15.5 FTE positions that are primarily related to programs or functions
14 that are transferred to the department of justice under this act, and the incumbents
15 holding these positions are transferred to the department of justice. The secretary
16 of administration shall determine which incumbents will be transferred. If either
17 department is dissatisfied with the secretary's decision, the department may bring
18 the matter to the cochairpersons of the joint committee on finance for consideration
19 by the committee, and the committee shall affirm or modify the decision.

20 (c) *Employee status.* Employees transferred under paragraph (b) have all the
21 rights and same status under subchapter V of chapter 111 and chapter 230 of the
22 statutes in the department of justice that they enjoyed in the department of
23 agriculture, trade and consumer protection immediately before the transfer.
24 Notwithstanding section 230.28 (4) of the statutes, no employee so transferred who
25 has attained permanent status in class is required to serve a probationary period.

1 (d) *Supplies and equipment.* All tangible personal property, including records,
2 of the department of agriculture, trade and consumer protection that are primarily
3 related to programs or functions that are transferred to the department of justice
4 under this act are transferred to the department of justice. The departments of
5 justice and agriculture, trade and consumer protection shall jointly identify the
6 tangible personal property, including records, and shall jointly develop and
7 implement a plan for their orderly transfer. In the event of any disagreement
8 between the departments, the secretary of administration shall decide the question.
9 If either department is dissatisfied with the secretary's decision, the department
10 may bring the matter to the cochairpersons of the joint committee on finance for
11 consideration by the committee, and the committee shall affirm or modify the
12 decision.

13 (e) *Pending matters.* Any matter pending with the department of agriculture,
14 trade and consumer protection that is primarily related to a program or function that
15 is transferred to the department of justice under this act is transferred to the
16 department of justice. All materials submitted or actions taken by the department
17 of agriculture, trade and consumer protection with respect to the pending matter are
18 considered as having been submitted to or taken by the department of justice.

19 (f) *Contracts.* All contracts entered into by the department of agriculture, trade
20 and consumer protection or the department of justice that are primarily related to
21 programs or functions transferred to the department of justice under this act, and
22 that are in effect on the effective date of this paragraph, remain in effect and those
23 contracts entered into by the department of agriculture, trade and consumer
24 protection are transferred to the department of justice. The departments of justice
25 and agriculture, trade and consumer protection shall jointly identify these contracts

1 and shall jointly develop and implement a plan for their orderly transfer. In the event
2 of any disagreement between the departments, the secretary of administration shall
3 decide the question. If either department is dissatisfied with the secretary’s decision,
4 the department may bring the matter to the cochairpersons of the joint committee
5 on finance for consideration by the committee, and the committee shall affirm or
6 modify the decision. The department of justice shall carry out the obligations under
7 these contracts until the obligations are modified or rescinded by the department of
8 justice to the extent allowed under the contract.

9 (g) *Rules and orders.* All rules promulgated by the department of agriculture,
10 trade and consumer protection that are in effect on the effective date of this
11 paragraph and that are primarily related to programs or functions that are
12 transferred to the department of justice under this act remain in effect until their
13 specified expiration date or until amended or repealed by the department of justice.
14 All orders issued by the department of agriculture, trade and consumer protection
15 that are in effect on the effective date of this paragraph and that are primarily related
16 to programs or functions transferred to the department of justice under this act
17 remain in effect until their specified expiration date or until modified or rescinded
18 by the department of justice.

19 (h) *Decrease in positions.* The authorized FTE positions for the department of
20 agriculture, trade and consumer protection, funded from the appropriation under
21 section 20.115 (8) (jm), 1999 stats., are decreased by 5.5 PR positions.”.

22 **522.** Page 352, line 19: after that line insert:

23 “(1c) MILWAUKEE ART MUSEUM. The arts board shall spend the amount in the
24 appropriation account under section 20.215 (1) (cm) of the statutes, as created by this

1 act, for the Leonardo da Vinci and the Splendor of Poland art exhibitions at the
2 Milwaukee Art Museum.”.

3 **523.** Page 353, line 16: after that line insert:

4 “(1z) DIVISION OF INTERNATIONAL AND EXPORT SERVICES. The authorized FTE
5 positions for the department of commerce are increased by 10.0 PR positions on July
6 1, 2002, or on the day after publication, whichever is later, to be funded from the
7 appropriation under section 20.143 (1) (g) of the statutes, for the division of
8 international and export services.”.

9 **524.** Page 353, line 16: after that line insert:

10 “(1c) GRANT TO FORWARD WISCONSIN, INC. FOR STUDY AND PROPOSAL ON BRAND
11 IMAGE. From the appropriation under section 20.143 (1) (bp) of the statutes, as
12 created by this act, the department of commerce shall provide a grant of \$50,000 in
13 fiscal year 2002–03 to Forward Wisconsin, Inc., to contract for a study and the
14 creation of a proposal for a national brand image for the state related to technology
15 and biotechnology. The department of commerce shall enter into an agreement with
16 Forward Wisconsin, Inc., that specifies the uses for the grant proceeds under this
17 subsection and reporting and auditing requirements. No later than December 31,
18 2003, the department of commerce shall submit to the appropriate standing
19 committees of the legislature in the manner provided under section 13.172 (3) of the
20 statutes a report that includes the results of the study and the conclusions and
21 recommendations of Forward Wisconsin, Inc., with respect to a proposal for a
22 national brand image for the state.”.

23 **525.** Page 355, line 9: after that line insert:

24 “(5q) NOTICE REGARDING CHANGES IN SENTENCING LAW.

1 (a) In this subsection, “department” means the department of corrections.

2 (b) If a person is serving a bifurcated sentence or, after having a bifurcated
3 sentence imposed and stayed, is on probation on the last day of the 6th month
4 beginning after the effective date of this paragraph, the department shall calculate
5 the maximum term of imprisonment, the maximum term of confinement, and the
6 maximum term of extended supervision to which the person would have been subject
7 if all provisions of this act had been in effect on the date on which the inmate
8 committed his or her offense. The department shall notify the person of the results
9 of that calculation no later than the first day of the 9th month beginning after the
10 effective date of this paragraph if the person is still serving that sentence or is still
11 on probation on that date.”.

12 **526.** Page 355, line 9: after that line insert:

13 “(6q) INITIAL IMPLEMENTATION OF CASELOAD REDUCTION REQUIREMENTS. The
14 department of corrections shall develop a plan to implement section 301.03 (3a) of
15 the statutes, as created by this act, which it shall submit to the joint committee on
16 finance no later than the first day of the 2nd month beginning after the effective date
17 of this subsection. No later than the first day of the 4th month beginning after the
18 effective date of this subsection, the department shall begin reducing caseloads for
19 probation, extended supervision, and parole agents in Brown, Dane, Kenosha,
20 Milwaukee, Racine, and Rock counties who supervise more than 25 persons on
21 probation, extended supervision, or parole.”.

22 **527.** Page 355, line 14: after that line insert:

23 “(1wo) NONSEVERABILITY; CAMPAIGN FINANCING.

1 (a) *Certain communications and matching grants.* Notwithstanding section
2 990.001 (11) of the statutes, if a court finds that all or any portion of sections 11.01
3 (16) (a) 3., 11.12 (6) (c), 11.26 (8m), or 11.50 (9) (b) or (bb) of the statutes, as created
4 by this act, is unconstitutional, then sections 11.01 (16) (a) 3., 11.12 (6) (c), 11.26 (8m),
5 and 11.50 (9) (b) and (bb) of the statutes, as created by this act, are void in their
6 entirety.

7 (b) *Other provisions.* Notwithstanding section 990.001 (11) of the statutes, if
8 a court finds that any part of section 11.12 (8) or 11.50 (9) (ba) of the statutes, as
9 created by this act, is unconstitutional, then the treatment of sections 5.02 (13), 7.08
10 (2) (c), (cm), and (cs), 8.10 (3) (intro.), 8.15 (6) (intro.), 8.20 (4), 8.30 (2), 8.35 (4) (a)
11 1. a. and b., 8.35 (4) (c) and (d), 11.001 (2m), 11.01 (12s), and (16) (a) 3., 11.05 (1) (b),
12 (2) (b), (2r) (title), (3) (c), (m), (o), and (r), (5), (9) (title), (12) (b), and (13), 11.06 (1)
13 (intro.) and (e), (2), (2m) (b) to (d), (4) (b), (5), (7m) (a) and (c), and (11) (c), 11.07 (1)
14 and (5), 11.09 (3), 11.10 (1), 11.12 (2), (2m), (4), (5), (6) (c) and (d), (8), and (9), 11.14
15 (3), 11.16 (2) and (5), 11.19 (title) and (1), 11.20 (1), (2s), (2t), (7), (9), (10) (a), and (12),
16 11.21 (2), (15), and (16), 11.22 (3), 11.23 (1) and (2), 11.24 (1w), (2), and (4), 11.25 (2)
17 (b), 11.26 (1) (intro.), (2) (intro.), (a), and (ad) to (au), (4), (8), (8m), (9) (a) 1. to 7., (b)
18 1. to 7., and (c), (10), and (12m), 11.265, 11.31 (1) (intro.), (a) to (d), (de), (e), and (f),
19 (1m), (2), (2m), (3), (3p), and (9), 11.38 (1) (a) 2., (6), and (8) (b), 11.50 (1) (a) 1. (intro.),
20 2., and 2m., (am), (bm), and (cm), (2) (a), (b) 5., (2) (c), (g), (h), (i), and (j), (2m), (2s),
21 (2w), (3), (4), (4m), (5), (6), (9) (title), (b), (ba), and (bb), (11) (a) and (e), and (14), 11.60
22 (3s), (3t), and (4), 11.61 (1) (a) (with regard to the reference to 11.05 (2r) and 11.24
23 (1)), 13.625 (3m), 19.42 (3m), (4g), and (4r), 19.45 (13), 19.49 (1m) and (5) (b), 19.53
24 (6), 19.535, 19.59 (1) (br), (7) (b), and (8) (c), (cm), and (cn), 20.510 (1) (q), 20.855 (4)
25 (ba), 25.42, 71.10 (3) (a) and (b), and 806.04 (11m) of the statutes, the renumbering

1 and amendment of sections 11.05 (1), (2), and (2r), 11.12 (6), 11.26 (9) (a) and (b), 11.50
2 (9), 19.49 (5), and 19.59 (7) of the statutes, and the renumbering of section 11.50 (1)
3 (a) 1. of the statutes by this act are void.”.

4 **528.** Page 355, line 15: after that line insert:

5 “(1v) HIRING FREEZE EXEMPTION. Notwithstanding any action of the governor or
6 the secretary of administration under section 16.505 (3) of the statutes before the
7 effective date of this subsection, the department of employee trust funds may fill 3.5
8 FTE GPR positions that are vacant on the effective date of this subsection, that are
9 authorized to the department under section 16.505 of the statutes, and that are
10 funded from the appropriation under section 20.512 (2) (a) of the statutes.”.

11 **529.** Page 355, line 15: after that line insert:

12 “(1q) EARLY RETIREMENT OPTION FOR CERTAIN PARTICIPATING EMPLOYEES IN THE
13 WISCONSIN RETIREMENT SYSTEM.

14 (a) *Definitions.* The definitions in section 40.02 of the statutes are applicable
15 in this subsection, except that “elected official” means a participating employee
16 elected to an office by vote of the people and “participating employer” does not include
17 a school district.

18 (b) *Eligibility for early retirement benefits.* All of the following individuals who
19 are participating employees on the effective date of this paragraph and who were
20 employed by a participating employer, or on a leave of absence from a position with
21 a participating employer, on February 1, 2002, are eligible for the early retirement
22 benefits provided under this subsection:

23 1. Any state agency employee, other than an elected official, an employee of the
24 board of regents of the University of Wisconsin System, or an employee of the

1 department of employee funds, who has at least 10 years of creditable service, who
2 terminates covered employment during the period that begins on July 1, 2002, and
3 ends on January 1, 2003, and who receives an immediate annuity.

4 2. Any employee of the board of regents of the University of Wisconsin System
5 who has at least 10 years of creditable service, who terminates covered employment
6 during the period that begins on January 1, 2003, and ends on July 1, 2003, and who
7 receives an immediate annuity.

8 3. Any employee of the department of employee trust funds, who has at least
9 10 years of creditable service and who does either of the following:

10 a. Terminates covered employment during the period that begins on July 1,
11 2002, and ends on January 1, 2003, and who receives an immediate annuity.

12 b. Submits a letter of resignation to the department of employee trust funds
13 during the period that begins on July 1, 2002, and ends on January 1, 2003, with an
14 effective date of resignation after January 1, 2003, but before April 1, 2004, and who
15 at the time of the effective date of resignation receives an immediate annuity. Any
16 employee who submits such a letter may subsequently change the effective date of
17 resignation but only if the department consents to the change and the changed date
18 of resignation is before April 1, 2004.

19 4. Any employee who is not a state agency employee, a school district employee,
20 a technical college district employee, or an elected official, whose employer has
21 elected under paragraph (e) to make its employees eligible for the early retirement
22 benefits, who has at least 10 years of creditable service, who terminates covered
23 employment during the period that begins on July 1, 2002, and ends on January 1,
24 2003, and who receives an immediate annuity.

1 5. Any employee who is a technical college district employee, whose employer
2 has elected under paragraph (e) to make its employees eligible for the early
3 retirement benefits, who has at least 10 years of creditable service, who terminates
4 covered employment during the period that begins on January 1, 2003, and ends on
5 July 1, 2003, and who receives an immediate annuity.

6 (c) *Early retirement benefits: calculation of retirement annuity and receipt of*
7 *other benefits.* Any participating employee described in paragraph (b) shall receive
8 all of the following:

9 1. The earliest retirement age for the employee under section 40.23 (1) of the
10 statutes is reduced by 2 years for the purpose of calculating his or her retirement
11 annuity under section 40.23 of the statutes.

12 2. a. At the time of termination, the employee's years of creditable service are
13 increased by 3 years for the purpose of calculating his or her retirement annuity
14 under section 40.23 of the statutes, for the purpose of calculating creditable military
15 service under section 40.02 (15) of the statutes, and for the purpose of life insurance
16 coverage under subchapter VI of chapter 40 of the statutes.

17 b. For any employee having creditable service of more than one type under
18 section 40.23 (2m) (e) of the statutes, the creditable service received under this
19 subdivision shall be based on the employee's last type of creditable service at the time
20 of termination.

21 c. For the purpose of calculating the value of a money purchase annuity under
22 section 40.23 (3) of the statutes, the initial monthly amount of the retirement annuity
23 in the normal form shall be increased by the amount that equals the increase in the
24 initial monthly amount of the retirement annuity under section 40.23 (2m) of the

1 statutes that results from providing the additional 3 years of creditable service and
2 the 2 years of age reduction.

3 3. The employee's age is increased by 2 years only for the purpose of making
4 the calculation under section 40.23 (2m) (f) of the statutes.

5 4. Any limitation in the initial retirement annuity amount under section 40.23
6 (2m) (b) of the statutes shall not apply for the purpose of calculating his or her
7 retirement annuity under section 40.23 of the statutes.

8 (d) *Early retirement benefits: health insurance premium credits.*
9 Notwithstanding section 40.95 (2) of the statutes, for any participating employee
10 described in paragraph (b) 1. to 3., the number of health insurance premium credits
11 provided to the employee under subchapter IX of chapter 40 of the statutes are
12 increased by the number that yields an additional \$20,000 in health insurance
13 premium credits.

14 (e) *Early retirement option for participating employers other than the state.*

15 1. Any participating employer, other than a state agency and a technical college
16 district, may elect to make its participating employees eligible for the early
17 retirement benefits provided under paragraph (c) by notifying the department, in
18 writing, before July 1, 2002.

19 2. A technical college district may elect to make its participating employees
20 eligible for the early retirement benefits provided under paragraph (c) by notifying
21 the department, in writing, before January 1, 2003.

22 (f) *Actuarial valuation of the cost of early retirement benefits.* Not later than
23 January 1, 2005, the department of employee trust funds shall contract with the
24 actuary retained under section 40.03 (1) (d) of the statutes for an actuarial valuation
25 of the costs of the retirement benefits provided under this subsection, as well as the

1 costs incurred by the department of employee trust funds for administering the
2 retirement benefits, for the purpose of determining contribution rates for
3 participating employers whose employees receive retirement benefits under this
4 subsection. The contribution rates established by the actuary shall be sufficient to
5 fund the full cost of the retirement benefits and administrative costs over a 10-year
6 amortization period, including any amount paid under section 40.05 (2) (h) of the
7 statutes, as created by this act, and shall take effect beginning on the January 1 that
8 first occurs after the actuary completes the valuation. The department shall certify
9 to the actuary all costs, including estimated future costs, that are incurred by the
10 department in administering the retirement benefits provided under this
11 subsection.

12 (g) *Establishment of initial employer contribution rates.* Beginning on June 1,
13 2002, and ending on the January 1 that first occurs after the actuary completes the
14 valuation under paragraph (f), for any participating employer whose participating
15 employees terminate covered employment or, with respect to the department of
16 employee trust funds, submit a letter of resignation with a delayed effective date,
17 during the period that begins on July 1, 2002, and ends on January 1, 2003, and
18 beginning on December 1, 2002, and ending on the January 1 that first occurs after
19 the actuary completes the valuation under paragraph (f), for any participating
20 employer whose participating employees terminate covered employment during the
21 period that begins on January 1, 2003, and ends on July 1, 2003, the department of
22 employee trust funds shall establish, and require the payment of, employer
23 contribution rates to fund the cost of the retirement benefits provided under this
24 subsection. For state agencies, the department shall establish, and require the
25 payment of, a temporary employer contribution rate, expressed as a level percent of

1 payroll, to fund the retirement benefits that are received by participating state
2 employees. This rate shall remain in effect until the January 1 that first occurs after
3 the actuary completes the valuation under paragraph (f), unless the actuary
4 certifies, and the employee trust funds board approves, a change in the rate to more
5 accurately reflect the costs of the benefits provided under this subsection. For
6 participating employers that are not state agencies, the department shall establish,
7 and require the payment of, a temporary employer contribution rate, expressed as
8 a level percent of payroll, to fund the retirement benefits that are received by the
9 employees of the participating employers. This rate shall remain in effect until the
10 January 1 that first occurs after the actuary completes the valuation under
11 paragraph (f), unless the actuary certifies, and the employee trust funds board
12 approves, a change in the rate to more accurately reflect the costs of the benefits
13 provided under this subsection.

14 (h) *Emergency rules.* Using the procedure under section 227.24 of the statutes,
15 the department of employee trust funds may promulgate rules to administer the
16 retirement benefits provided under this subsection and any funding mechanism to
17 pay the cost of the retirement benefits for the period before the date on which
18 permanent rules take effect, but not to exceed the period authorized under section
19 227.24 (1) (c) and (2) of the statutes. Notwithstanding section 227.24 (1) (a), (2) (b),
20 and (3) of the statutes, the department is not required to provide evidence that
21 promulgating a rule under this paragraph as an emergency rule is necessary for the
22 preservation of the public peace, health, safety, or welfare and is not required to
23 provide a finding of emergency for a rule promulgated under this paragraph.”

24 **530.** Page 356, line 1: delete lines 1 to 4.

1 **531.** Page 357, line 24: after that line insert:

2 “(2w) MEDICAL ASSISTANCE PROVIDER FRAUD AND ABUSE; RULES. The department
3 of health and family services shall submit in proposed form the rules required under
4 section 49.45 (2) (a) 9. of the statutes, as affected by this act, to the legislative council
5 staff under section 227.15 (1) of the statutes no later than the first day of the 7th
6 month beginning after the effective date of this subsection.”.

7 **532.** Page 357, line 25: delete the material beginning with that line and
8 ending with page 358, line 15.

9 **533.** Page 358, line 15: after that line insert:

10 “(5c) STUDY ON USE OF MEDICAL ASSISTANCE PREFERRED PRESCRIPTION DRUG LIST IN
11 CERTAIN FACILITIES. By January 1, 2003, the department of health and family services
12 shall study the feasibility of using a preferred prescription drug list for the
13 prescription drugs provided to medical assistance recipients who are residents of
14 nursing homes, institutions for mental diseases, and intermediate care facilities for
15 the mentally retarded and shall report findings of the study to the legislature in the
16 manner provided under section 13.172 (3) of the statutes, and to the governor.”.

17 **534.** Page 358, line 15: after that line insert:

18 “(4e) FEES FOR PATIENT HEALTH CARE RECORDS; RULES. The department of health
19 and family services shall submit in proposed form the rules required under section
20 146.83 (3m) of the statutes, as created by this act, to the legislative council staff
21 under section 227.15 (1) of the statutes no later than the first day of the 5th month
22 beginning after the effective date of this subsection.”.

23 **535.** Page 358, line 15: after that line insert:

24 “(5qq) LIMITATIONS ON HOSPITALS AND AMBULATORY SURGERY CENTERS; RULES.

1 (a) The department of health and family services shall submit in proposed form
2 the rule required under section 150.935 (6) of the statutes, as created by this act, to
3 the legislative council staff under section 227.15 (1) of the statutes no later than the
4 first day of the 4th month beginning after the effective date of this paragraph.

5 (b) Using the procedure under section 227.24 of the statutes, the department
6 of health and family services may promulgate the rule required under section
7 150.935 (6) of the statutes, as created by this act, for the period before the effective
8 date of the rule submitted under paragraph (a), but not to exceed the period
9 authorized under section 227.24 (1) (c) and (2) of the statutes. Notwithstanding
10 section 227.24 (1) (a), (2) (b), and (3) of the statutes, the department is not required
11 to provide evidence that promulgating a rule under this paragraph as an emergency
12 rule is necessary for the preservation of the public peace, health, safety, or welfare
13 and is not required to provide a finding of emergency for a rule promulgated under
14 this paragraph.

15 (5qr) REQUIREMENTS OF HOSPITALS AND AMBULATORY SURGERY CENTERS. An
16 ambulatory surgery center shall and, as a condition of approval under section 50.35
17 of the statutes, as affected by this act, a hospital shall, within 60 days after the
18 effective date of this subsection, apply under section 49.45 (2) (a) 11. of the statutes
19 for certification as a provider of medical assistance and apply for certification as a
20 provider of services under medicare, as defined under section 49.45 (3) (L) 1. b. of the
21 statutes.”.

22 **536.** Page 358, line 18: after that line insert:

1 “(1d) The historical society shall allocate \$100,000 in fiscal year 2001–02 and
2 \$100,000 in fiscal year 2002–03 for the office of local history and the historical society
3 library.”.

4 **537.** Page 358, line 21: after that line insert:

5 “(1v) RULES RELATED TO SMALL EMPLOYER HEALTH INSURANCE RATES. Using the
6 procedure under section 227.24 of the statutes, the commissioner of insurance may
7 promulgate the rules required under section 635.05 (1) of the statutes, as affected by
8 this act, for the period before the effective date of the permanent rules required under
9 section 635.05 (1) of the statutes, as affected by this act, but not to exceed the period
10 authorized under section 227.24 (1) (c) and (2) of the statutes. Notwithstanding
11 section 227.24 (1) (a), (2) (b), and (3) of the statutes, the commissioner is not required
12 to provide evidence that promulgating a rule under this subsection as an emergency
13 rule is necessary for the preservation of public peace, health, safety, or welfare and
14 is not required to provide a finding of emergency for a rule promulgated under this
15 subsection.”.

16 **538.** Page 358, line 25: after that line insert:

17 “(2x) AUTOMATED FINGERPRINT IDENTIFICATION SYSTEM WORK STATION FOR CITY OF
18 RACINE. From the appropriation under section 20.455 (2) (cr) of the statutes, as
19 created by this act, the department of justice shall award \$63,200 to the city of Racine
20 police department in fiscal year 2002–03 for the purchase of an automated
21 fingerprint identification system work station and for the installation of a Badgernet
22 line for the work station. The city of Racine police department and the department
23 of justice shall enter into an agreement regarding the duties and obligations of the
24 police department and the department of justice with respect to the use of the

1 automated fingerprint identification system work station and regarding the use of,
2 and access to, the state automated fingerprint identification system and to other
3 criminal record databases.”.

4 **539.** Page 358, line 25: after that line insert:

5 “(2xz) INCREASE IN POSITIONS. The authorized FTE positions for the department
6 of justice, funded from the appropriation under section 20.455 (1) (j) of the statutes,
7 as created by this act, are increased by 5.5 PR positions.”.

8 **540.** Page 359, line 1: after that line insert:

9 “(1c) PROGRAM EVALUATION AND MANAGEMENT AUDIT OF DEPARTMENT OF
10 ADMINISTRATION.

11 (a) The joint legislative audit committee is requested to direct the legislative
12 audit bureau to conduct a program evaluation and management audit of the
13 department of administration to determine whether state government could
14 function effectively without the department. If the audit is undertaken, the bureau
15 is requested to include each of the following elements to the extent they are
16 considered appropriate by the bureau:

17 1. A comparison of the functions and responsibilities of the department at the
18 time that it was created and the current functions and responsibilities of the
19 department.

20 2. A review of whether any administrative functions have been removed from
21 the department since the time that it was created and whether the administrative
22 functions that the department retains are significant enough to justify a separate
23 department.

1 3. A comparison of the department's central administrative functions,
2 efficiencies, and related budgetary impacts with the central administrative
3 functions, efficiencies, and budgetary impacts associated with similar agencies in
4 other states.

5 4. A comparison of the budgeted and per capita costs of the department at the
6 time of its creation with the current budgeted and per capita costs of the department,
7 together with the costs of any other agencies or subunits thereof to which original
8 functions or responsibilities of the department have been transferred.

9 5. A review of the policy-making responsibilities that have been assigned to the
10 department, including an assessment of whether such responsibilities could be more
11 effectively administered by other state agencies.

12 6. An assessment of whether any functions or responsibilities of the
13 department duplicate those of other state agencies and could therefore be reduced
14 or eliminated.

15 7. A review of whether the efficiencies and cost savings intended by the
16 legislature and governor when the department was created have been realized.

17 8. An assessment of whether there are any impediments to decentralizing those
18 responsibilities and functions that are currently assigned to the department by
19 assigning these functions and responsibilities to the office of the governor or to other
20 state agencies.

21 9. A review of the costs charged by the department to other state agencies or
22 to local governments and an assessment of whether the responsibilities and
23 functions funded by these charges could be effectively undertaken by this state if the
24 department did not exist.

1 (b) If the bureau undertakes the audit, the bureau is requested to submit a
2 report of its findings and recommendations to the distributees specified in section
3 13.94 (1) (b) of the statutes no later than the first day of the 9th month beginning after
4 the effective date of this paragraph.”.

5 **541.** Page 359, line 1: after that line insert:

6 “(3q) STUDY OF CERTAIN ELECTION ADMINISTRATION SERVICES. The joint legislative
7 council is requested to conduct a study of election administration services performed
8 by municipalities and counties and prepare recommendations for the consolidation
9 of those services. If the joint legislative council conducts the study and prepares the
10 recommendations, it shall report its findings, conclusions, and recommendations, in
11 the manner provided under section 13.172 (2) of the statutes, to the 2003 legislature
12 when that legislature convenes.”.

13 **542.** Page 359, line 12: delete lines 12 to 15.

14 **543.** Page 360, line 13: after that line insert:

15 “(2fxq) INVASIVE SPECIES COUNCIL STAGGERED TERMS. Notwithstanding the length
16 of term specified in section 15.347 (18) (b) 7. of the statutes, as created in this act, of
17 the members first appointed to the invasive species council under section 15.347 (18)
18 (b) 7. of the statutes, as created by this act, the governor shall designate 2 members
19 to serve for terms expiring on July 1, 2007, 2 members to serve for terms expiring on
20 July 1, 2008, and 3 members to serve for terms expiring on July 1, 2009.

21 (2fxr) POSITIONS FOR INVASIVE SPECIES PROGRAM. The authorized FTE positions
22 for the department of natural resources are increased by 2.0 SEG positions to be
23 funded from the appropriation under section 20.370 (4) (aq) of the statutes, as

1 affected by this act, to provide a program director and staff position for the statewide
2 invasive species program under s. 23.22 of the statutes, as created by this act.”.

3 **544.** Page 360, line 23: delete lines 23 to 25.

4 **545.** Page 361, line 1: delete lines 1 to 12.

5 **546.** Page 361, line 13: delete lines 13 to 16.

6 **547.** Page 361, line 16: after that line insert:

7 “(3q) TRANSFER OF DUTIES FROM THE TECHNOLOGY FOR EDUCATIONAL ACHIEVEMENT
8 IN WISCONSIN BOARD.

9 (a) *Assets and liabilities.* On the effective date of this paragraph, the assets and
10 liabilities of the department of administration primarily related to the functions of
11 the technology for educational achievement in Wisconsin board, as determined by
12 the secretary of administration, shall become the assets and liabilities of the
13 department of public instruction.

14 (b) *Position and employee transfers.* All positions authorized for the technology
15 for educational achievement in Wisconsin board on the day before the effective date
16 of this paragraph, except for the position of executive director, are, on the effective
17 date of this paragraph, transferred to the department of public instruction, and the
18 incumbent employees in those positions are transferred on the effective date of this
19 paragraph to the department of public instruction.

20 (c) *Employee status.* Employees transferred under paragraph (b) have all the
21 rights and the same status under subchapter V of chapter 111 and chapter 230 of the
22 statutes in the department of public instruction that they enjoyed in the technology
23 for educational achievement in Wisconsin board immediately before the transfer.

1 Notwithstanding section 230.28 (4) of the statutes, no transferred employee who has
2 attained permanent status in class is required to serve a probationary period.

3 (cm) *Tangible personal property.* On the effective date of this paragraph, all
4 tangible personal property, including records, of the department of administration
5 that is primarily related to the functions of the technology for educational
6 achievement in Wisconsin board, as determined by the secretary of administration,
7 is transferred to the department of public instruction.

8 (d) *Contracts.* 1. All contracts entered into by the technology for educational
9 achievement in Wisconsin board in effect on the effective date of this paragraph
10 remain in effect and are transferred to the department of public instruction. The
11 department of public instruction shall carry out any obligations under a transferred
12 contract until the department of public instruction modifies or rescinds the contract.

13 2. All contracts entered into by the department of administration in effect on
14 the effective date of this paragraph that are primarily related to the functions of the
15 technology for educational achievement in Wisconsin board, as determined by the
16 secretary of administration, remain in effect and are transferred to the department
17 of public instruction. The department of public instruction shall carry out any
18 obligations under a transferred contract until the department of public instruction
19 modifies or rescinds the contract.

20 (e) *Rules and orders.* All rules promulgated by the technology for educational
21 achievement in Wisconsin board that are in effect on the effective date of this
22 paragraph remain in effect until their specified expiration date or until the
23 department of public instruction amends or repeals them. All orders issued by the
24 technology for educational achievement in Wisconsin board that are in effect on the

1 effective date of this paragraph remain in effect until their specified expiration date
2 or until the department of public instruction modifies or rescinds them.

3 (f) *Pending matters.* Any matter pending with the technology for educational
4 achievement in Wisconsin board on the effective date of this paragraph is transferred
5 to the department of public instruction, and all materials submitted to or actions
6 taken by the technology for educational achievement in Wisconsin board concerning
7 the pending matter are considered to have been submitted to or taken by the
8 department of public instruction.”.

9 **548.** Page 361, line 16: after that line insert:

10 “(2w) TECHNOLOGY TRAINING AND TECHNICAL ASSISTANCE GRANTS.

11 (a) Notwithstanding section 115.999 (1) of the statutes, as created by this act,
12 the department of public instruction shall ensure that all of the following occur:

13 1. Except as provided in subdivision 3., all persons who received grants under
14 section 115.999 (1) of the statutes, as created by this act, in the 2001–02 fiscal year
15 receive no less grant money in the 2002–03 fiscal year than they received in the
16 2001–02 fiscal year.

17 2. No additional persons receive grants under section 115.999 (1) of the
18 statutes, as created by this act, in the 2002–03 fiscal year.

19 3. If the amount appropriated under section 20.255 (4) (et) of the statutes, as
20 affected by this act, in the 2002–03 fiscal year is less than or greater than the amount
21 appropriated in the 2001–02 fiscal year, the department of public instruction
22 prorates the grants for the 2002–03 fiscal year.

23 (b) A grant recipient may use the grant for technical assistance and training
24 in the use of educational technology, as the grant recipient considers appropriate, if

1 the grant recipient agrees to submit a report by the end of the 2002–03 fiscal year
2 to the the department of public instruction on how the grant recipient spent the
3 grant.”.

4 **549.** Page 362, line 12: after that line insert:

5 “(2q) LEGISLATIVE INTENT. The treatment of section 196.37 (2) of the statutes is
6 intended only to clarify the authority of the public service commission. No
7 substantive change is intended.

8 (2r) STUDY OF CROSS SUBSIDIZATION. The joint legislative council is requested to
9 study the requirements regarding cross subsidization under section 196.204 of the
10 statutes and whether any changes to those requirements would promote competition
11 for telecommunications services in rural markets. If the council undertakes such a
12 study, the council shall report its findings, conclusions, and recommendations to the
13 2003 legislature when it convenes.”.

14 **550.** Page 362, line 12: after that line insert:

15 “(1z) COGENERATION FACILITY AT THE UNIVERSITY OF WISCONSIN–MADISON.

16 (a) In this subsection:

17 1. “Board” means the board of regents of the University of Wisconsin System.

18 2. “Cogeneration facility” means a facility that provides electric, steam, and
19 chilled water service.

20 3. “Commission” means the public service commission.

21 4. “Department” means the department of administration.

22 5. “Site” means the property located immediately north of the university’s
23 Walnut Street plant and bounded by Walnut Street on the west, Herrick Drive on the

1 north, the university’s existing physical plant buildings on the east, and the north
2 wall of the existing Walnut Street heating plant on the south.

3 6. “University” means the University of Wisconsin–Madison.

4 7. “Utility” means the public utility that provides electric service to the
5 university or an affiliate of such a public utility.

6 (b) The board may not allow the construction of a cogeneration facility at the
7 site that provides electric, steam, or chilled water services to the university after July
8 1, 2004, unless all of the following are satisfied:

9 1. The utility, department, and board agree on a plan for allocating the costs
10 of constructing the cogeneration facility between the utility and the university and
11 for establishing the terms and conditions under which the university shall purchase
12 electric, steam, or chilled water services from the utility.

13 2. The utility submits a plan under subdivision 1. to the commission and the
14 commission, upon finding the plan is reasonable, approves the plan.

15 3. Construction of the cogeneration facility is completed before July 1, 2004.

16 (c) If the utility submits a plan to the commission under paragraph (b) 2., the
17 utility shall, at the same time that it submits the plan, apply for a certificate of public
18 convenience and necessity for the cogeneration facility under section 196.491 (3) of
19 the statutes. Notwithstanding section 196.491 (3) (a) 3. a. of the statutes, the utility
20 shall provide the department of natural resources with an engineering plan for the
21 cogeneration facility at the same time that the utility submits the application to the
22 commission for the certificate of public convenience and necessity.”.

23 **551.** Page 362, line 12: after that line insert:

1 “(1x) **HIRING FREEZE EXEMPTION.** Notwithstanding any action of the governor or
2 the secretary of administration under section 16.505 (3) of the statutes before the
3 effective date of this subsection, the public service commission may fill 3.0 FTE PR
4 positions that are vacant on the effective date of this subsection, that are related to
5 the performance of environmental analyses and engineering reviews, that are
6 authorized to the commission under section 16.505 of the statutes, and that are
7 funded from the appropriation under section 20.155 (1) (g) of the statutes. If the
8 public service commission does not fill the positions by the first day of the 6th month
9 beginning after the effective date of this subsection, the commission shall, no later
10 than the first day of the 7th month beginning after the effective date of this
11 subsection, submit a report to the joint committee on finance of the legislature that
12 explains the reasons for not filling the positions.”.

13 **552.** Page 362, line 12: after that line insert:

14 “(1t) **ENERGY CONSERVATION.**

15 (a) In this subsection:

16 1. “Commission” means the public service commission.

17 2. “Utility” has the meaning given in section 196.374 (1) (c) of the statutes.

18 (b) Notwithstanding the requirement under section 196.374 (3) of the statutes
19 for a utility to make specified contributions to the commission in a fiscal year of the
20 amounts determined by the commission under section 196.374 (2) of the statutes, the
21 commission may allow a utility to retain, until December 31, 2004, a portion of the
22 amounts determined by the commission under section 196.374 (2) (b), (c), and (d) of
23 the statutes, instead of contributing the portion to the commission, if the commission
24 determines that the portion is attributable to energy conservation programs for

1 industrial, commercial, and agricultural customers in the utility’s service area. If the
2 commission allows a utility to retain a portion under this paragraph, the utility must
3 contribute 1.75% of the portion to the commission for research and development for
4 energy conservation and efficiency and must contribute 4.5% of the portion to the
5 commission for renewable resource programs.”.

6 **553.** Page 362, line 15: delete lines 15 to 18.

7 **554.** Page 362, line 18: after that line insert:

8 “(1m) PENALTY FOR CONVERTING AGRICULTURAL LAND. Notwithstanding section
9 70.32 (2s) (c) of the statutes, as created by this act, and section 74.485 of the statutes,
10 as created by this act, land assessed as agricultural land for the property tax
11 assessments as of January 1, 2002, that may no longer be assessed as agricultural
12 land for the property tax assessments as of January 1, 2003, because the land is not
13 used as a farm, as defined under section 70.32 (2s) (a) 2. of the statutes, is not subject
14 to the penalty under section 74.485 of the statutes with regard to the property tax
15 assessments as of January 1, 2002, and January 1, 2003.”.

16 **555.** Page 362, line 18: after that line insert:

17 “(1q) DIRECT MARKETING OF CIGARETTES AND TOBACCO PRODUCTS. The authorized
18 FTE positions for the department of revenue are increased by 1.5 PR positions on
19 July 1, 2002, to be funded from the appropriation under section 20.566 (1) (gc) of the
20 statutes, as created by this act, for the purpose of enforcing and administering
21 cigarette and tobacco product direct marketing permits and penalties.”.

22 **556.** Page 362, line 19: delete lines 19 to 24.

23 **557.** Page 362, line 24: after that line insert:

1 “(2d) ALCOHOL AND TOBACCO ENFORCEMENT AGENTS. The department of revenue
2 shall retain 13 agents in the department’s alcohol and tobacco enforcement section
3 at least until July 1, 2003.”.

4 **558.** Page 363, line 21: delete that line and substitute “avoid adverse impacts
5 on activities related to highway planning and programming,”.

6 **559.** Page 364, line 5: delete that line and substitute “avoid adverse impacts
7 on activities related to highway planning and programming,”.

8 **560.** Page 364, line 6: after that line insert:

9 “(1x) TRAFFIC CONTROL SIGNALS IN OAK CREEK. No later than June 30, 2003, the
10 department of transportation shall install traffic control signals at the intersection
11 of STH 38 and Oakwood Road in the city of Oak Creek in Milwaukee County.”.

12 **561.** Page 364, line 6: after that line insert:

13 “(4q) REQUEST ON SOUTHEAST WISCONSIN FREEWAY REHABILITATION. By the date
14 specified by the cochairpersons of the joint committee on finance for the submission
15 of requests for consideration at the next quarterly meeting of the committee
16 occurring after the effective date of this subsection, the department of transportation
17 shall submit a request for the transfer of moneys from the appropriations under
18 section 20.395 (3) (cq), (cv), and (cx) of the statutes, as affected by this act, to the
19 appropriations under section 20.395 (3) (cr), (cw), and (cy) of the statutes to allocate
20 funds for rehabilitation of the southeast Wisconsin freeways. The department’s
21 request, and the committee’s action on the request, may not include funding now
22 allocated for projects in other parts of the state or other funding that is not currently
23 allocated to rehabilitation of southeast Wisconsin freeways.”.

24 **562.** Page 364, line 6: after that line insert:

1 “(2f) IMPROVEMENTS TO USH 51 IN CITY OF MADISON. Notwithstanding section
2 85.07 of the statutes, during the 2001–03 fiscal biennium, the department of
3 transportation shall expend funds not to exceed \$300,000 from federal funds
4 available under 23 USC 152 for a highway improvement project on USH 51 at the
5 intersection of Rieder Road in the city of Madison in Dane County, if the project is
6 consistent with the requirements of 23 USC 152 and regulations promulgated under
7 23 USC 152. The project shall include reconstruction of the southbound lanes of USH
8 51 at Rieder Road to incorporate a divided deceleration and turn lane on USH 51 for
9 southbound traffic turning east onto Rieder Road from USH 51 and a divided
10 acceleration lane on USH 51 for traffic traveling west on Rieder Road turning south
11 onto USH 51. The project shall also include installation of any traffic control signals
12 necessary to allow traffic traveling west on Rieder Road to turn onto southbound
13 USH 51 without requiring southbound traffic on USH 51 to stop.”.

14 **563.** Page 364, line 7: after that line insert:

15 “(1f) GRANDFATHER PROVISION; UNCLAIMED GIFT CERTIFICATES. The treatment of
16 sections 177.01 (10) (a) 2. and 177.14 of the statutes does not apply to any property
17 paid or delivered to the state treasurer under section 177.17 (4) (a) 2. of the statutes
18 or section 177.19 (1), 1999 stats., before the effective date of this subsection.”.

19 **564.** Page 364, line 24: after that line insert:

20 “(1q) ORDER OF STATE EMPLOYEE LAYOFFS.

21 (a) In this subsection, “state agency” has the meaning given in section 16.375
22 (1) of the statutes, but does not include the board of regents of the University of
23 Wisconsin System.

1 (b) If a state agency is required to lay off any of its employees as a result of any
2 appropriation reduction required under this act, no employee of the state agency who
3 is in the classified service of the state civil service system may be laid off until all
4 employees of the state agency who are in the unclassified service of the state civil
5 service system are laid off other than the chief administrative officer of the state
6 agency.”.

7 **565.** Page 364, line 25: delete the material beginning with that line and
8 ending with page 365, line 9.

9 **566.** Page 365, line 16: after that line insert:

10 “(4q) WISCONSIN PUBLIC TELEVISION. The board of regents of the University of
11 Wisconsin System shall endeavor to raise by March 1, 2003, at least \$250,000 more
12 in program revenue than was raised in the 2001–02 fiscal year for the Wisconsin
13 Public Television production facility at the University of Wisconsin–Green Bay and
14 shall report the results of its efforts to the joint committee on finance by July 1,
15 2003.”.

16 **567.** Page 366, line 15: after “subsection” insert “, except that “state agency”
17 does not include the department of employee trust funds or the investment board”.

18 **568.** Page 368, line 8: after that line insert:

19 “(4x) COMPENSATION AND FRINGE BENEFIT SAVINGS FOR CERTAIN ELIMINATED STATE
20 POSITIONS.

21 (a) The definitions in section 20.001 of the statutes are applicable in this
22 subsection.

23 (b) 1. The secretary of administration shall reduce the number of authorized
24 positions for each state agency by the number of positions under section 15.04 (2),

1 1999 stats., section 15.05 (3), 1999 stats., and section 15.06 (4m), 1999 stats., and by
2 the number of unclassified division administrators that are eliminated for that state
3 agency under this act. The secretary shall also reduce the authorized FTE positions
4 for the office of the secretary of state by 1.0 assistant secretary of state position; for
5 the office of state treasurer by 1.0 assistant state treasurer position; and for the
6 historical society by 1.0 associate director position.

7 2. The secretary shall determine for each state agency the amount that the
8 agency would have been required to expend for compensation and fringe benefits
9 during the period that begins on the effective date of this subdivision and ends on
10 June 30, 2003, for state employees occupying a position described under subdivision
11 1. and from each appropriation from which the moneys would have been expended,
12 other than appropriations of federal revenues.

13 (c) From each sum certain appropriation of general purpose revenue identified
14 in paragraph (b) 2., the secretary of administration shall lapse to the general fund
15 the amount specified in paragraph (b) 2. that would otherwise have been expended
16 from each of the appropriations. After the secretary of administration makes the
17 lapse, each of the sum certain appropriations is decreased by the amount specified
18 in paragraph (b) 2. for that appropriation.

19 (d) For each sum sufficient appropriation of general purpose revenue identified
20 in paragraph (b) 2., the expenditure estimate for the appropriation during the
21 2001–03 fiscal biennium, is reestimated to subtract the amount specified in
22 paragraph (b) 2. for that appropriation.

23 (e) From each appropriation of program revenues or program revenues–service
24 identified in paragraph (b), other than an appropriation to the investment board, the
25 secretary of administration shall lapse to the general fund the amount specified in

1 paragraph (b) 2. that would otherwise have been expended from each of the
2 appropriations. After the secretary of administration makes the lapse, each of the
3 sum certain program revenues or program revenues–service appropriations is
4 decreased by the amount specified in paragraph (b) 2. for that appropriation.

5 (f) From each appropriation of segregated fund revenues or segregated fund
6 revenues — service identified in paragraph (b), the secretary of administration shall
7 lapse to the underlying fund the amount specified in paragraph (b) 2. that would
8 otherwise have been expended from each of the appropriations. After the secretary
9 of administration makes the lapse, each of the sum certain segregated revenues or
10 segregated revenues — service appropriations is decreased by the amount specified
11 in paragraph (b) for that appropriation and the expenditure estimate for each of the
12 appropriations that are not sum certain appropriations is reestimated to subtract
13 the amount specified in paragraph (b) for that appropriation. The secretary of
14 administration shall then transfer the lapsed amounts and an amount equal to the
15 amount subtracted from the estimates to the general fund, but not including any
16 amount lapsed from an appropriation of segregated fund revenues to the department
17 of employee trust funds.”.

18 **569.** Page 368, line 8: after that line insert:

19 “(4z) VOLUNTARY EMPLOYEE FURLOUGH. Any chief administrative officer of a state
20 agency, as defined in section 20.001 (1) of the statutes, may permit any employee of
21 that agency, other than an employee who is an elected official or is nominated or
22 appointed by the governor for a fixed term to his or her position, to take a voluntary
23 unpaid leave of absence during the 2001–03 fiscal biennium for a period not to exceed
24 8 weeks. During any time in which an employee is on a leave of absence granted

1 under this subsection, the chief administrative officer shall continue to make all
2 required employer contributions for that employee, as well as any required employee
3 contributions that the employer is required to make on behalf of that employee in
4 accordance with a collective bargaining agreement under subchapter V of chapter
5 111 or section 230.12 of the statutes, for benefits provided under chapter 40 of the
6 statutes, but not including any such contributions under section 40.05 (1) and (2) of
7 the statutes. During the leave of absence, the employee's employment shall be
8 considered not to have been interrupted for all purposes relating to wages, hours, and
9 conditions of employment, except that the employee shall not be paid a salary nor
10 accrue creditable service, as defined in section 40.02 (17) of the statutes, for purposes
11 of the Wisconsin retirement system. The timing of any leave of absence granted
12 under this subsection shall be at the discretion of the chief administrative officer.
13 Notwithstanding section 111.91 (1) of the statutes, for employees who are included
14 in a collective bargaining unit for which a representative is recognized or certified
15 under subchapter V of chapter 111 of the statutes, this subsection shall apply except
16 as otherwise provided in a collective bargaining agreement.”.

17 **570.** Page 368, line 8: after that line insert:

18 “(4r) COMPENSATION AND FRINGE BENEFIT SAVINGS FOR STATE EMPLOYEES WHO ELECT
19 TO RECEIVE RETIREMENT ANNUITIES DURING PART OF THE 2002-03 FISCAL YEAR.

20 (a) The definitions in section 20.001 of the statutes are applicable in this
21 subsection, except that “state agency” does not include the department of employee
22 trust funds, the board of regents of the University of Wisconsin System, or the
23 investment board.

1 (b) The secretary of administration shall determine for each state agency the
2 amount that the agency would have been required to expend for compensation and
3 fringe benefits during the period that begins on January 1, 2003, and ends on June
4 30, 2003, for state employees who elect to receive retirement benefits under SECTION
5 9116 (1q) (c) of this act and each appropriation from which the moneys would have
6 been expended, other than appropriations of federal revenues. For the purpose of
7 making this calculation, the secretary shall reduce the amount by the increased
8 employer contribution costs under the Wisconsin retirement system for that state
9 agency that results from the retirement benefits granted under SECTION 9116 (1q) (c)
10 of this act.

11 (c) From each sum certain appropriation of general purpose revenue identified
12 in paragraph (b), the secretary of administration shall lapse to the general fund the
13 amount specified in paragraph (b) that would otherwise have been expended from
14 each of the appropriations. After the secretary of administration makes the lapse,
15 each of the sum certain appropriations is decreased by the amount specified in
16 paragraph (b) for that appropriation.

17 (d) For each sum sufficient appropriation of general purpose revenue identified
18 in paragraph (b), the expenditure estimate for the appropriation during the 2002–03
19 fiscal year is reestimated to subtract the amount specified in paragraph (b) for that
20 appropriation.

21 (e) From each appropriation of program revenues or program revenues–service
22 identified in paragraph (b), the secretary of administration shall lapse to the general
23 fund the amount specified in paragraph (b) that would otherwise have been
24 expended from each of the appropriations. After the secretary of administration
25 makes the lapse, each of the sum certain program revenues or program

1 revenues–service appropriations is decreased by the amount specified in paragraph
2 (b) for that appropriation.

3 (f) From each sum certain appropriation of segregated fund revenues or
4 segregated fund revenues — service identified in paragraph (b), the secretary of
5 administration shall lapse to the underlying fund the amount specified in paragraph
6 (b) that would otherwise have been expended from each of the appropriations. After
7 the secretary of administration makes the lapse, each of the sum certain segregated
8 revenues or segregated revenues — service appropriations is decreased by the
9 amount specified in paragraph (b) for that appropriation. For each appropriation of
10 segregated fund revenues or segregated fund revenues — services identified in
11 paragraph (b) that is not a sum certain appropriation, the expenditure estimate is
12 reestimated to subtract the amount specified in paragraph (b) for that appropriation.
13 The secretary of administration shall transfer from the underlying fund the lapsed
14 amounts and an amount equal to the amount subtracted from the estimates to the
15 general fund.

16 (4rq) EMPLOYER OBLIGATION TO FILL CERTAIN VACANT POSITIONS. Any employer
17 that elects under SECTION 9116 (1q) (e) of this act to provide the retirement benefits
18 under SECTION 9116 (1q) (c) of this act to its employees shall fill, no later than January
19 1, 2004, all law enforcement and fire fighting positions that are vacated by employees
20 who receive the retirement benefits under SECTION 9116 (1q) (c) of this act, but only
21 if the employer can fill the positions with qualified individuals.

22 (4rqq) POSITION AUTHORIZATIONS RELATED TO PROVISION OF EARLY RETIREMENT
23 BENEFITS. The authorized FTE positions for the department of employee trust funds
24 are increased by 53.0 SEG project positions, to be funded from the appropriation
25 under section 20.515 (1) (vm) of the statutes, as created by this act, for the period

1 beginning on the effective date of this subsection and ending on December 31, 2004,
2 for the purpose of administering the early retirement benefits provided under
3 SECTION 9116 (1q) (c) of this act.”.

4 **571.** Page 369, line 2: after that line insert:

5 “(5z) IMPLEMENTATION OF APPROPRIATION DECREASES.

6 (a) In this subsection, “department” has the meaning given for “executive
7 branch agency” under section 16.70 (4) of the statutes.

8 (b) In implementing appropriation decreases made by or under this act for the
9 2002–03 fiscal year, each department shall ensure that any reduction of services
10 provided by the department under each affected appropriation is equitably
11 apportioned between residents of rural areas and residents of urban areas.

12 (c) Notwithstanding section 16.50 (1) of the statutes, the secretary of
13 administration shall require each department to submit an expenditure estimate for
14 any expenditure to be made from an appropriation that is decreased by or under this
15 act for the 2002–03 fiscal year. Notwithstanding section 16.50 (2) of the statutes, the
16 secretary shall disapprove any such estimate that provides for any reallocation of
17 services provided by the department in contravention of the requirement under
18 paragraph (b).”.

19 **572.** Page 369, line 2: after that line insert:

20 “(5t) ABOLITION OF DEPARTMENT OF ELECTRONIC GOVERNMENT.

21 (a) *Assets and liabilities.* Except as provided in SECTION 9259 (9r) of this act,
22 on the effective date of this paragraph, the assets and liabilities of the department
23 of electronic government shall become assets and liabilities of the department of
24 administration.

1 (b) *Positions and employees.*

2 1. On the effective date of this subdivision, all full-time equivalent positions
3 in the department of electronic government, except the positions occupied by the
4 secretary, the deputy secretary, the executive assistant, and 2 division administrator
5 positions determined by the secretary of administration, are transferred to the
6 department of administration.

7 2. All incumbent employees holding positions specified in subdivision 1. are
8 transferred on the effective date of this subdivision to the department of
9 administration.

10 3. Employees transferred under subdivision 2. have all of the rights and the
11 same status under subch. V of ch. 111 and chapter 230 of the statutes in the
12 department of administration that they enjoyed in the department of electronic
13 government immediately before the transfer. Notwithstanding section 230.28 (4) of
14 the statutes, no employee so transferred who has attained permanent status in class
15 is required to serve a probationary period.

16 (c) *Tangible personal property.* On the effective date of this paragraph, all
17 tangible personal property, including records, of the department of electronic
18 government is transferred to the department of administration.

19 (d) *Contracts.* All contracts entered into by the department of electronic
20 government that are in effect on the effective date of this paragraph are transferred
21 to the department of administration. The department of administration shall carry
22 out any contractual obligations under such a contract until the contract is modified
23 or rescinded by the department of administration to the extent allowed under the
24 contract.

1 (e) *Rules and orders.* All rules promulgated by the department of electronic
2 government that are in effect on the effective date of this paragraph remain in effect
3 until their specified expiration dates or until amended or repealed by the department
4 of administration. All orders issued by the department of electronic government that
5 are in effect on the effective date of this paragraph remain in effect until their
6 specified expiration dates or until modified or rescinded by the department of
7 administration.

8 (f) *Pending matters.* Any matter pending with the department of electronic
9 government on the effective date of this paragraph is transferred to the department
10 of administration, and all materials submitted to or actions taken by the department
11 of electronic government with respect to the pending matter are considered as having
12 been submitted to or taken by the department of administration.”.

13 **573.** Page 370, line 6: delete “decreased by \$175,000” and substitute
14 “increased by \$75,000”.

15 **574.** Page 370, line 7: delete that line and substitute “increased by \$75,000
16 for fiscal year 2002–03 to increase funding for the purpose for”.

17 **575.** Page 370, line 14: after that line insert:

18 “(7q) TELECOMMUNICATIONS AND VETERANS SERVICES. In the schedule under
19 section 20.005 (3) of the statutes for the appropriation to the department of
20 administration under section 20.505 (1) (ke) of the statutes, as affected by the acts
21 of 2001, the dollar amount is decreased by \$102,500 for fiscal year 2002–03 to
22 decrease funding for the purposes for which the appropriation is made.”.

23 **576.** Page 371, line 23: after that line insert:

1 “(13c) STATE BUDGET OFFICE. In the schedule under section 20.005 (3) of the
2 statutes for the appropriation to the department of administration under section
3 20.505 (1) (a) of the statutes, as affected by the acts of 2001, the dollar amount is
4 decreased by by \$900,000 for fiscal year 2002–03 to decrease the authorized FTE
5 positions for the department by 13.15 GPR positions associated primarily with the
6 preparation of the executive budget bill.”.

7 **577.** Page 372, line 15: delete lines 15 to 20.

8 **578.** Page 373, line 2: delete the material beginning with “and” and ending
9 with “2002–03” on line 3.

10 **579.** Page 375, line 19: delete the material beginning with “and” and ending
11 with “2002–03” on line 20.

12 **580.** Page 375, line 24: delete the material beginning with “and” and ending
13 with “2002–03” on page 376, line 1.

14 **581.** Page 376, line 8: after that line insert:

15 “(14q) LAND AND WATER RESOURCE MANAGEMENT TRANSFER. In the schedule under
16 section 20.005 (3) of the statutes for the appropriation to the department of
17 agriculture, trade and consumer protection under section 20.115 (7) (a) of the
18 statutes, as affected by the acts of 2001, the dollar amount is decreased by \$544,700
19 for fiscal year 2002–03 to reflect the transfer of responsibilities related to land and
20 water resource management, drainage districts, and the conservation reserve
21 enhancement program away from the department.”.

22 **582.** Page 376, line 8: after that line insert:

23 “(14xz) CONSUMER PROTECTION TRANSFER.

1 (a) In the schedule under section 20.005 (3) of the statutes for the appropriation
2 to the department of agriculture, trade and consumer protection under section
3 20.115 (1) (a) of the statutes, as affected by the acts of 2001, the dollar amount is
4 decreased by \$2,292,100 for fiscal year 2002–03 to reflect the transfer of certain
5 consumer protection programs, functions, and enforcement activities to the
6 department of justice and to decrease the authorized FTE positions for the
7 department of agriculture, trade and consumer protection by 41.25 GPR positions
8 related to those consumer protection programs, functions, and enforcement
9 activities.

10 (b) In the schedule under section 20.005 (3) of the statutes for the appropriation
11 to the department of agriculture, trade and consumer protection under section
12 20.115 (8) (a) of the statutes, as affected by the acts of 2001, the dollar amount is
13 decreased by \$292,400 for fiscal year 2002–03 to reflect the transfer of certain
14 consumer protection programs, functions, and enforcement activities to the
15 department of justice and to decrease the authorized FTE positions for the
16 department of agriculture, trade and consumer protection by 2.5 GPR positions
17 related to those consumer protection programs, functions, and enforcement
18 activities.”.

19 **583.** Page 378, line 13: after that line insert:

20 “(5q) GENERAL PROGRAM OPERATIONS REDUCTION. In the schedule under section
21 20.005 (3) of the statutes for the appropriation to the department of commerce under
22 section 20.143 (1) (a) of the statutes, as affected by the acts of 2001, the dollar amount
23 is decreased by \$39,000 for fiscal year 2002–03 to decrease funding for the purposes
24 for which the appropriation is made.”.

1 **584.** Page 379, line 15: after that line insert:

2 “(10w) WISCONSIN DEVELOPMENT FUND. In the schedule under section 20.005 (3)
3 of the statutes for the appropriation to the department of commerce under section
4 20.143 (1) (c) of the statutes, as affected by the acts of 2001, the dollar amount is
5 decreased by \$3,000,000 for fiscal year 2002–03 to decrease funding for the purposes
6 for which the appropriation is made.”.

7 **585.** Page 379, line 21: after that line insert:

8 “(11z) DIVISION OF INTERNATIONAL AND EXPORT SERVICES. In the schedule under
9 section 20.005 (3) of the statutes for the appropriation to the department of commerce
10 under section 20.143 (1) (a) of the statutes, as affected by the acts of 2001, the dollar
11 amount is decreased by \$1,893,000 for fiscal year 2002–03 to decrease funding for the
12 division of international and export services and to decrease the authorized FTE
13 positions for the department by 10.0 GPR positions on July 1, 2002, or on the day
14 after publication, whichever is later, for the division of international and export
15 services.”.

16 **586.** Page 380, line 8: after that line insert:

17 “(2c) LAPSE TO THE GENERAL FUND. In fiscal year 2001–02, the secretary of
18 administration shall lapse to the general fund \$2,267,800 from the appropriation
19 account under s. 20.410 (1) (kx) of the statutes.”.

20 **587.** Page 381, line 9: delete “\$1,302,600” and substitute “\$76,200”.

21 **588.** Page 382, line 5: delete “\$14,560,100” and substitute “\$14,560,000”.

22 **589.** Page 382, line 15: delete that line and substitute “decreased by
23 \$6,761,500 for fiscal year 2001–02 and the dollar amount is decreased by \$20,903,100
24 for fiscal year 2002–03 to decrease the authorized FTE positions for the department

1 by 75.69 GPR positions on the effective date of this subsection and 395.7 GPR
2 positions on July 1, 2002, as the result of delaying the”.

3 **590.** Page 383, line 9: after that line insert:

4 “(13vo) STANLEY DELAY; CORRECTIONS CONTRACTS AND AGREEMENTS. In the
5 schedule under section 20.005 (3) of the statutes for the appropriation to the
6 department of corrections under section 20.410 (1) (ab) of the statutes, as affected by
7 the acts of 2001, the dollar amount is increased by \$14,770,500 for fiscal year
8 2002–03 as a result of delaying the opening of the Stanley Correctional Institution.”.

9 **591.** Page 383, line 14: delete “\$5,310,200” and substitute “\$4,809,600”.

10 **592.** Page 383, line 16: delete “100.0” and substitute “99.0”.

11 **593.** Page 384, line 4: after that line insert:

12 “(15vo) STANLEY DELAY; PURCHASED SERVICES FOR OFFENDERS. In the schedule
13 under section 20.005 (3) of the statutes for the appropriation to the department of
14 corrections under section 20.410 (1) (d) of the statutes, as affected by the acts of 2001,
15 the dollar amount is decreased by \$53,200 for fiscal year 2002–03 as a result of
16 delaying the opening of the Stanley Correctional Institution.”.

17 **594.** Page 384, line 9: delete “\$44,700” and substitute “\$37,900”.

18 **595.** Page 384, line 23: after that line insert:

19 “(17vo) STANLEY DELAY; INSTITUTIONAL OPERATIONS AND CHARGES. In the schedule
20 under section 20.005 (3) of the statutes for the appropriation to the department of
21 corrections under section 20.410 (1) (kk) of the statutes, as affected by the acts of
22 2001, the dollar amount is decreased by \$6,100 for fiscal year 2001–02 and the dollar
23 amount is decreased by \$23,800 for fiscal year 2002–03 to decrease the authorized
24 FTE positions for the department by 0.8 PR position on the effective date of this

1 subsection and by 0.8 PR position on July 1, 2002, as a result of delaying the opening
2 of the Stanley Correctional Institution.”.

3 **596.** Page 385, line 7: after that line insert:

4 “(18vo) STANLEY DELAY; PRISON INDUSTRIES. In the schedule under section 20.005
5 (3) of the statutes for the appropriation to the department of corrections under
6 section 20.410 (1) (km) of the statutes, as affected by the acts of 2001, the dollar
7 amount is decreased by \$104,500 for fiscal year 2002–03 to decrease the authorized
8 FTE positions for the department by 2.0 PR positions on July 1, 2002, as a result of
9 delaying the opening of the Stanley Correctional Institution.”.

10 **597.** Page 385, line 11: delete “\$6,566,100” and substitute “\$6,528,900”.

11 **598.** Page 385, line 14: delete “20.0” and substitute “19.0”.

12 **599.** Page 385, line 18: delete “\$3,698,700” and substitute “\$675,100”.

13 **600.** Page 385, line 20: delete “55.5 GPR probation and parole staff, by”.

14 **601.** Page 386, line 2: after that line insert:

15 “(21vv) INTENSIVE SANCTIONS PROGRAM EXPANSION; GENERAL PROGRAM OPERATIONS.
16 In the schedule under section 20.005 (3) of the statutes for the appropriation to the
17 department of corrections under section 20.410 (1) (a) of the statutes, as affected by
18 the acts of 2001, the dollar amount is increased by \$29,500 for fiscal year 2002–03
19 for the purpose of expanding the intensive sanctions program.

20 (21vw) INTENSIVE SANCTIONS PROGRAM EXPANSION; USE OF OUT-OF-STATE PRISONS.
21 In the schedule under section 20.005 (3) of the statutes for the appropriation to the
22 department of corrections under section 20.410 (1) (ab) of the statutes, as affected by
23 the acts of 2001, the dollar amount is decreased by \$566,300 for fiscal year 2002–03
24 for the purpose of reducing the number of prisoners confined in out-of-state prisons.

1 (21vx) INTENSIVE SANCTIONS PROGRAM EXPANSION; INCREASED POSITIONS. In the
2 schedule under section 20.005 (3) of the statutes for the appropriation to the
3 department of corrections under section 20.410 (1) (b) of the statutes, as affected by
4 the acts of 2001, the dollar amount is increased by \$355,800 for fiscal year 2002–03
5 to increase the authorized FTE positions for the department by 9.25 GPR positions
6 for expanding the intensive sanctions program.

7 (21vy) INTENSIVE SANCTIONS PROGRAM EXPANSION; PURCHASE OF SERVICES. In the
8 schedule under section 20.005 (3) of the statutes for the appropriation to the
9 department of corrections under section 20.410 (1) (d) of the statutes, as affected by
10 the acts of 2001, the dollar amount is increased by \$312,000 for fiscal year 2002–03
11 for the purpose of expanding the intensive sanctions program.”.

12 **602.** Page 387, line 22: after that line insert:

13 “(1wo) INVESTIGATOR AND AUDITOR POSITIONS. In the schedule under section
14 20.005 (3) of the statutes for the appropriation to the elections board under section
15 20.510 (1) (a) of the statutes, as affected by the acts of 2001, the dollar amount is
16 increased by \$85,100 for fiscal year 2002–03 to increase the authorized FTE positions
17 for the elections board by 1.0 GPR campaign finance investigator position and 1.0
18 GPR auditor position and to fund supporting expenses for these positions.”.

19 **603.** Page 388, line 16: after that line insert:

20 “(1v) PRIVATE EMPLOYER HEALTH CARE COVERAGE PROGRAM. In the schedule under
21 section 20.005 (3) of the statutes for the appropriation to the department of employee
22 trust funds under section 20.515 (2) (a) of the statutes, as affected by the acts of 2001,
23 the dollar amount is increased by \$850,000 for fiscal year 2001–02 to increase
24 funding for the purpose for which the appropriation is made.”.

1 **604.** Page 390, line 13: delete lines 13 to 19.

2 **605.** Page 394, line 16: after that line insert:

3 “(18w) MEDICAL ASSISTANCE AUDITS AND INVESTIGATIONS; LAPSE. Notwithstanding
4 section 20.001 (3) (c) of the statutes, on January 1, 2003, there is lapsed to the general
5 fund the unencumbered balance in the appropriation under section 20.435 (4) (iL)
6 of the statutes immediately before the effective date of the repeal of section 20.435
7 (4) (iL) of the statutes.”.

8 **606.** Page 395, line 2: delete “\$1,200,000” and substitute “\$1,673,500”.

9 **607.** Page 395, line 8: delete “\$800,000” and substitute “\$1,104,600”.

10 **608.** Page 399, line 3: after that line insert:

11 “(10xo) CONSUMER PROTECTION TRANSFER. In the schedule under section 20.005
12 (3) of the statutes for the appropriation to the department of justice under section
13 20.455 (1) (a) of the statutes, as affected by the acts of 2001, the dollar amount is
14 increased by \$1,502,200 for fiscal year 2002–03 to reflect the transfer of certain
15 consumer protection programs, functions, and enforcement activities from the
16 department of agriculture, trade and consumer protection and to increase the
17 authorized FTE positions for the department of justice by 26.0 GPR positions related
18 to those consumer protection programs, functions, and enforcement activities.”.

19 **609.** Page 399, line 21: delete “\$33,800” and substitute “\$36,600”.

20 **610.** Page 409, line 16: after that line insert:

21 “(38qq) LAND AND WATER RESOURCE MANAGEMENT GENERAL PURPOSE REVENUE. In
22 the schedule under section 20.005 (3) of the statutes for the appropriation to the
23 department of natural resources under section 20.370 (4) (ma) of the statutes, as
24 affected by the acts of 2001, the dollar amount is increased by \$237,600 for fiscal year

1 2002–03 to provide funding for administration of the soil and water resource
2 management grant program and the conservation reserve enhancement program
3 and for activities related to drainage districts.

4 (38qr) LAND AND WATER RESOURCE MANAGEMENT ENVIRONMENTAL FUND. In the
5 schedule under section 20.005 (3) of the statutes for the appropriation to the
6 department of natural resources under section 20.370 (4) (mr) of the statutes, as
7 affected by the acts of 2001, the dollar amount is increased by \$68,100 for fiscal year
8 2002–03 to provide funding for administration of the soil and water resource
9 management grant program and the conservation reserve enhancement program.

10 (38qs) SOIL AND WATER RESOURCE MANAGEMENT PROGRAM. In the schedule under
11 section 20.005 (3) of the statutes for the appropriation to the department of natural
12 resources under section 20.370 (6) (ac) of the statutes, as renumbered by this act and
13 as affected by the acts of 2001, the dollar amount is decreased by \$293,800 for fiscal
14 year 2002–03 to decrease funding for the purpose for which the appropriation is
15 made.

16 (38qt) DRAINAGE BOARD GRANTS. In the schedule under section 20.005 (3) of the
17 statutes for the appropriation to the department of natural resources under section
18 20.370 (6) (dd) of the statutes, as renumbered by this act and as affected by the acts
19 of 2001, the dollar amount is decreased by \$25,000 for fiscal year 2002–03 to decrease
20 funding for the purpose for which the appropriation is made.”.

21 **611.** Page 410, line 25: after that line insert:

22 “(1r) FUNDING FOR TECHNOLOGY FOR EDUCATIONAL ACHIEVEMENT. In the schedule
23 under section 20.005 (3) of the statutes for the appropriation to the department of
24 public instruction under section 20.255 (1) (a) of the statutes, as affected by the acts

1 of 2001, the dollar amount is increased by \$498,800 for fiscal year 2002–03 to fund
2 the positions transferred from the technology for educational achievement in
3 Wisconsin board under SECTION 9140 (3q) and the supporting expenses.”.

4 **612.** Page 411, line 6: after that line insert:

5 “(2q) SPECIAL EDUCATION. In the schedule under section 20.005 (3) of the
6 statutes for the appropriation to the department of public instruction under section
7 20.255 (2) (b) of the statutes, as affected by the acts of 2001, the dollar amount is
8 increased by \$27,400,000 for fiscal year 2002–03 to increase funding for the purposes
9 for which the appropriation is made.”.

10 **613.** Page 411, line 10: decrease the dollar amount by \$368,700.

11 **614.** Page 411, line 15: decrease the dollar amount by \$7,800.

12 **615.** Page 412, line 7: delete “\$2,362,900” and substitute “\$1,510,600”.

13 **616.** Page 413, line 17: delete “\$3,742,500” and substitute “\$666,300”.

14 **617.** Page 414, line 18: delete lines 18 to 22.

15 **618.** Page 416, line 8: delete lines 8 to 12.

16 **619.** Page 417, line 19: delete the material beginning with “and” and ending
17 with “2002–03” on line 20.

18 **620.** Page 417, line 22: delete the material beginning with that line and
19 ending with page 418, line 2.

20 **621.** Page 418, line 3: after that line insert:

21 “(3fx) TOBACCO CONTROL BOARD INCREASE. In the schedule under section 20.005
22 (3) of the statutes for the appropriation to the tobacco control board under section
23 20.436 (1) (tc) of the statutes, as affected by the acts of 2001, the dollar amount is

1 increased by \$10,000,000 for fiscal year 2002–03 to increase funding for the purpose
2 for which the appropriation is made.”.

3 **622.** Page 418, line 17: after that line insert:

4 “(2q) TOURISM MARKETING REDUCTION. In the schedule under section 20.005 (3)
5 of the statutes for the appropriation to the department of tourism under section
6 20.380 (1) (b) of the statutes, as affected by the acts of 2001, the dollar amount is
7 decreased by \$1,900,000 for fiscal year 2002–03 to decrease funding for the purposes
8 for which the appropriation is made.

9 (2r) TOURISM MARKETING INCREASE. In the schedule under section 20.005 (3) of
10 the statutes for the appropriation to the department of tourism under section 20.380
11 (1) (kg) of the statutes, as affected by the acts of 2001, the dollar amount is increased
12 by \$1,900,000 for fiscal year 2002–03 to increase funding for the purposes for which
13 the appropriation is made.”.

14 **623.** Page 418, line 24: delete “\$1,700” and substitute “\$1,800”.

15 **624.** Page 419, line 7: delete the material beginning with this line and ending
16 with page 420, line 22.

17 **625.** Page 421, line 8: delete “\$40,000,000” and substitute “\$10,000,000”.

18 **626.** Page 421, line 14: delete “\$436,400” and substitute “\$97,000”.

19 **627.** Page 422, line 6: after that line insert:

20 “(4r) EXTENSION RECYCLING EDUCATION. In the schedule under section 20.005 (3)
21 of the statutes for the appropriation to the board of regents of the University of
22 Wisconsin System under section 20.285 (1) (tb) of the statutes, as affected by the acts
23 of 2001, the dollar amount is increased by \$336,900 for fiscal year 2001–02 and the
24 dollar amount is increased by \$336,900 for fiscal year 2002–03 to increase funding

1 for the purpose for which the appropriation is made and to provide funding for 4.0
2 FTE SEG positions previously authorized.

3 (4s) SOLID WASTE RESEARCH AND EXPERIMENTS. In the schedule under section
4 20.005 (3) of the statutes for the appropriation to the board of regents of the
5 University of Wisconsin System under section 20.285 (1) (tm) of the statutes, as
6 affected by the acts of 2001, the dollar amount is increased by \$154,900 for fiscal year
7 2001–02 and the dollar amount is increased by \$154,900 for fiscal year 2002–03 to
8 increase funding for the purposes for which the appropriation is made and to provide
9 funding for 0.5 FTE SEG position previously authorized.”.

10 **628.** Page 422, line 6: after that line insert:

11 “(3t) WISCONSIN PUBLIC TELEVISION. In the schedule under section 20.005 (3) of
12 the statutes for the appropriation to the board of regents of the University of
13 Wisconsin System under section 20.285 (1) (a) of the statutes, as affected by the acts
14 of 2001, the dollar amount is increased by \$400,000 for fiscal year 2002–03 to
15 increase funding for the Wisconsin Public Television production facility at the
16 University of Wisconsin–Green Bay.”.

17 **629.** Page 425, line 10: after that line insert:

18 “(13c) COMMUNITY YOUTH GRANT FOR BOYS AND GIRLS CLUBS. In the schedule under
19 section 20.005 (3) of the statutes for the appropriation to the department of workforce
20 development under section 20.445 (3) (md) of the statutes, as affected by the acts of
21 2001, the dollar amount is increased by ~~\$450,000~~ \$250,000 for fiscal year 2001–02
22 to increase funding for the purpose of providing grants to the Wisconsin chapters of
23 the Boys and Girls Clubs of America.”.

24 **630.** Page 425, line 10: after that line insert:

1 (c) From each sum certain appropriation of general purpose revenue identified
2 in paragraph (b), the secretary of administration shall lapse to the general fund the
3 amount specified in paragraph (b) that would otherwise have been expended from
4 each of the appropriations. After the secretary of administration makes the lapse,
5 each of the sum certain appropriations is decreased by the amount specified in
6 paragraph (b) for that appropriation.

7 (d) For each sum sufficient appropriation of general purpose revenue identified
8 in paragraph (b), the expenditure estimate for the appropriation during the 2001–03
9 fiscal biennium is reestimated to subtract the amount specified in paragraph (b) for
10 that appropriation.

11 (e) From each appropriation of program revenues or program revenues–service
12 identified in paragraph (b), the secretary of administration shall lapse to the general
13 fund the amount specified in paragraph (b) that would otherwise have been
14 expended from each of the appropriations. After the secretary of administration
15 makes the lapse, each of the sum certain program revenues or program
16 revenues–service appropriations is decreased by the amount specified in paragraph
17 (b) for that appropriation.

18 (f) From each sum certain appropriation of segregated fund revenues or
19 segregated fund revenues — service identified in paragraph (b), the secretary of
20 administration shall lapse to the underlying fund the amount specified in paragraph
21 (b) that would otherwise have been expended from each of the appropriations. After
22 the secretary of administration makes the lapse, each of the sum certain segregated
23 revenues or segregated revenues — service appropriations is decreased by the
24 amount specified in paragraph (b) for that appropriation. For each appropriation
25 of segregated fund revenues or segregated fund revenues — service identified in

1 paragraph (b) that is not a sum certain appropriation, the expenditure estimate for
2 each appropriation is reestimated to subtract the amount specified in paragraph (b)
3 for that appropriation. The secretary of administration shall transfer from the
4 underlying fund the lapsed amounts and an amount equal to the amount subtracted
5 from the estimates to the general fund.”.

6 **643.** Page 431, line 8: delete “6,440,100” and substitute “12,880,200”.

7 **644.** Page 431, line 20: delete lines 20 and 21.

8 **645.** Page 433, line 1: delete lines 1 to 4.

9 **646.** Page 433, line 5: delete lines 5 to 17.

10 **647.** Page 434, line 11: after that line insert:

11 “(9r) APPROPRIATION ACCOUNT BALANCE TRANSFERS; ELECTRONIC GOVERNMENT.

12 (a) Notwithstanding section 20.001 (3) (c) of the statutes, there is lapsed to the
13 general fund from the appropriation account of the department of electronic
14 government under section 20.530 (1) (g), 1999 stats., \$5,286,800 immediately prior
15 to the transfers to be effected under paragraphs (b) to (g).

16 (b) The unencumbered balance in the appropriation account under section
17 20.530 (1) (g) of the statutes, as affected by this act, that is attributable to gifts,
18 grants and bequests received by the department of electronic government, as
19 determined by the secretary of administration, is transferred to the appropriation
20 account under section 20.505 (1) (j) of the statutes.

21 (c) The unencumbered balance in the appropriation account under section
22 20.530 (1) (g) of the statutes, as affected by this act, that is attributable to the sources
23 specified in sections 16.972 (2) (b) and (c) and 16.974 (2) of the statutes, as affected
24 by this act, and section 44.73 (2) (d) of the statutes, for the provision of computer

1 services, telecommunications services, and supercomputer services to state
2 authorities, units of the federal government, local governmental units, and entities
3 in the private sector, as determined by the secretary of administration, is transferred
4 to the appropriation account under section 20.505 (1) (is) of the statutes, as created
5 by this act.

6 (d) The unencumbered balance in the appropriation account under section
7 20.530 (1) (g) of the statutes, as affected by this act, that is attributable to the source
8 specified in section 16.974 (3) of the statutes, as affected by this act, for the provision
9 of electronic communications services to state authorities, units of the federal
10 government, local governmental units, and entities in the private sector, as
11 determined by the secretary of administration, is transferred to the appropriation
12 account under section 20.505 (1) (it) of the statutes, as created by this act.

13 (e) The unencumbered balance in the appropriation account under section
14 20.530 (1) (g) of the statutes, as affected by this act, that is attributable to the source
15 specified in section 16.974 (3) of the statutes, as affected by this act, for the provision
16 of electronic communications services to state agencies, as determined by the
17 secretary of administration, is transferred to the appropriation account under
18 section 20.505 (1) (kg) of the statutes, as created by this act.

19 (f) The unencumbered balance in the appropriation account under section
20 20.530 (1) (g) of the statutes, as affected by this act, that is attributable to the sources
21 specified in sections 16.972 and 16.973 of the statutes, as affected by this act, for the
22 provision of printing, mail processing, and information technology processing
23 services to state agencies, as determined by the secretary of administration, is
24 transferred to the appropriation account under section 20.505 (1) (kL) of the statutes,
25 as created by this act.

1 (g) The unencumbered balance in the appropriation account under section
2 20.530 (1) (g) of the statutes, as affected by this act, that is attributable to the source
3 specified in section 16.971 (11) of the statutes, as affected by this act, for the provision
4 of information technology development and management services to executive
5 branch agencies, as determined by the secretary of administration, is transferred to
6 the appropriation account under section 20.505 (1) (kr) of the statutes, as created by
7 this act.

8 (h) The unencumbered balance in the appropriation account under section
9 20.530 (1) (m) of the statutes, as affected by this act, is transferred to the
10 appropriation account under section 20.505 (1) (mb) of the statutes.”.

11 **648.** Page 434, line 12: after that line insert:

12 “(1c) REVIEW OF PROPOSED CONTRACTUAL SERVICE CONTRACTS. The treatment of
13 sections 16.705 (2m) and 16.71 (1) of the statutes first applies with respect to
14 contracts for contractual services entered into on the effective date of this
15 subsection.”.

16 **649.** Page 434, line 17: after that line insert:

17 “(1x) GIFT CERTIFICATES. The treatment of section 100.155 of the statutes first
18 applies to gift certificates that are sold on the effective date of this subsection.”.

19 **650.** Page 434, line 17: after that line insert:

20 “(1m) TELEPHONE SOLICITATION PENALTIES. The treatment of sections 100.264 (2)
21 (intro.) and 100.52 (10) (a) and (b) of the statutes first applies to violations that occur
22 on the effective date of this subsection.”.

23 **651.** Page 434, line 17: after that line insert:

1 “(2q) TELECOMMUNICATIONS SERVICES. The treatment of section 100.207 (3) (a),
2 (6) (b) 1., (c), (em) 1., and (g), and (7) of the statutes first applies to changes in
3 telecommunications services made on the effective date of this subsection.

4 (2r) TELECOMMUNICATIONS CONTRACTS. The treatment of section 100.207 (3g)
5 and (5g) of the statutes first applies to contracts entered into, extended, modified, or
6 renewed on the effective date of this subsection.”.

7 **652.** Page 435, line 1: after “(a)” insert “(by SECTION 520bd)”.

8 **653.** Page 435, line 2: after that line insert:

9 “(2c) BOMB SCARES, BIOLOGICAL OR CHEMICAL SUBSTANCE SCARES, OR FIREARMS AT
10 SCHOOL. The treatment of section 938.34 (5g) (d) and (13p) of the statutes first applies
11 to violations of s. 947.015 or 948.605 (2) (a) or (3) (a) of the statutes committed on the
12 effective date of this subsection.”.

13 **654.** Page 435, line 2: after that line insert:

14 “(2zy) DOMESTIC VIOLENCE PRIVILEGE. The treatment of section 905.045 of the
15 statutes first applies to communications made or information obtained or
16 disseminated on the effective date of this subsection.

17 (2zz) DOMESTIC ABUSE INJUNCTIONS. The treatment of sections 106.50 (5m) (d),
18 767.11 (8) (b) 2. and (10) (e) 2., 767.24 (1m) (b), (c), and (o), (2) (b) 2. c., and (5) (i),
19 813.12 (1) (a) (intro.) 1., 2., 3., and 4., (ad), (ag), (am) 5., (cg), and (cj), (2) (a), (3) (a)
20 (intro.) and 2. and (c), (4) (a) (intro.), 2., and 3. and (c) 1. and 2., (5) (d), (5m), (6) (d),
21 and (7) (c), 814.61 (1) (e), 814.70 (1) and (3) (intro.), and 895.73 (1) (a) of the statutes
22 first applies to actions commenced on the effective date of this subsection.”.

23 **655.** Page 435, line 9: after that line insert:

1 “(1wox) CAMPAIGN FINANCING; GENERALLY. The treatment of sections 5.02 (13),
2 7.08 (2) (c), (cm), and (cs), 8.10 (3) (intro.), 8.15 (6) (intro.), 8.20 (4), 8.30 (2), 8.35 (4)
3 (a) 1. a. and b., 8.35 (4) (c) and (d), 11.001 (2m), 11.01 (12s), and (16) (a) 3., 11.05 (1)
4 (b), (2) (b), (2r) (title), (3) (c), (m), (o), and (r), (5), (9) (title), (12) (b), and (13), 11.06
5 (1) (intro.) and (e), (2), (2m) (b) to (d), (4) (b), (5), (7m) (a) and (c), and (11) (c), 11.07
6 (1) and (5), 11.09 (3), 11.10 (1), 11.12 (2), (2m), (4), (5), (6) (c) and (d), (8), and (9), 11.14
7 (3), 11.16 (2) and (5), 11.19 (title) and (1), 11.20 (1), (2s), (2t), (7), (9), (10) (a), and (12),
8 11.21 (2), (15), and (16), 11.22 (3), 11.23 (1) and (2), 11.24 (1w), (2), and (4), 11.25 (2)
9 (b), 11.26 (1) (intro.), (2) (intro.), (a), and (ad) to (au), (4), (8), (8m), (9) (a) 1. to 7., (b)
10 1. to 7., and (c), (10), and (12m), 11.265, 11.31 (1) (intro.), (a) to (d), (de), (e), and (f),
11 (1m), (2), (2m), (3), and (3p), 11.38 (1) (a) 2., (6), and (8) (b), 11.50 (1) (a) 1. (intro.),
12 2., and 2m., (am), (bm), and (cm), (2) (a), (b) 5., (2) (c), (g), (h), (i), and (j), (2m), (2s),
13 (2w), (3), (4), (4m), (5), (6), (9) (title), (b), (ba), and (bb), (11) (a) and (e), and (14), 11.60
14 (3s), (3t), and (4), 11.61 (1) (a) (with regard to the reference to 11.05 (2r) and 11.24
15 (1)), 13.625 (3m), 19.42 (3m), (4g), and (4r), 19.45 (13), 19.49 (1m) and (5) (b), 19.53
16 (6), 19.535, 19.59 (1) (br), (7) (b), and (8) (c), (cm), and (cn), 20.510 (1) (q), 20.855 (4)
17 (ba), 25.42, 71.10 (3) (b), and 806.04 (11m) of the statutes, the renumbering and
18 amendment of sections 11.05 (1), (2), and (2r), 11.12 (6), 11.26 (9) (a) and (b), 11.50
19 (9), 19.49 (5), and 19.59 (7) of the statutes, and the renumbering of section 11.50 (1)
20 (a) 1. of the statutes first apply to elections held on the day after publication.

21 (1woy) INCOME TAX CHECK-OFF. The treatment of section 71.10 (3) (a) of the
22 statutes first applies to claims filed for taxable years beginning on January 1 of the
23 year in which this subsection takes effect, except that if this subsection takes effect
24 after July 31 the treatment first applies to claims filed for taxable years beginning
25 on January 1 of the year following the year in which this subsection takes effect.

1 (1woz) COST OF LIVING ADJUSTMENTS. The treatment of section 11.31 (9) of the
2 statutes first applies to adjustments for the biennium beginning on January 1,
3 2004.”.

4 **656.** Page 435, line 10: after that line insert:

5 “(2q) INITIAL ANNUITY AMOUNT UNDER THE WISCONSIN RETIREMENT SYSTEM. The
6 treatment of section 40.23 (2m) (b) of the statutes first applies to the calculation of
7 retirement benefits for individuals who are participating employees in the Wisconsin
8 retirement system on the effective date of this subsection.”.

9 **657.** Page 435, line 11: after that line insert:

10 “(1g) PREPARATION TIME AND CERTAIN MEETINGS. The treatment of section 111.70
11 (1) (a) and (4) (n) of the statutes first applies to collective bargaining agreements that
12 cover any period that begins after June 30, 2003.”.

13 **658.** Page 435, line 11: after that line insert:

14 “(1z) QUALIFIED ECONOMIC OFFERS. The treatment of section 111.70 (1) (nc) 1. d.
15 and e. and (4) (cm) 5s. and 8t. of the statutes first applies to petitions for arbitration
16 filed under section 111.70 (4) (cm) 6. of the statutes with respect to any unsettled
17 contract for the 2001–03 school years.”.

18 **659.** Page 435, line 24: after that line insert:

19 “(3yo) LIABILITY FOR TRANSFER OF BUSINESS. The treatment of section 49.45 (2)
20 (b) 8. and (21) (title), (ag), (ar), (b), and (e) of the statutes first applies to sales or other
21 transfers completed on the effective date of this subsection.

22 (3yv) ASSESSMENT FOR REPEATED RECOVERIES AGAINST PROVIDERS OF MEDICAL
23 ASSISTANCE. The treatment of section 49.45 (2) (b) 9. of the statutes first applies to

1 repeated recoveries from the identical provider that are made on the effective date
2 of this subsection.

3 (3yw) DECERTIFICATION OR SUSPENSION OF PROVIDERS OF MEDICAL ASSISTANCE. The
4 treatment of section 49.45 (2) (a) 12. a. and b. and 14. of the statutes first applies to
5 violations of federal statutes or regulations or state statutes or rules committed on
6 the effective date of this subsection.

7 (3yx) CERTIFICATION OF PROVIDERS OF MEDICAL ASSISTANCE. The treatment of
8 section 49.45 (2) (a) 11. a. and b. and (b) 7. of the statutes first applies to applications
9 for certification received on the effective date of this subsection.

10 (3yy) RECOVERIES AGAINST PROVIDERS OF MEDICAL ASSISTANCE. The treatment of
11 sections 49.45 (2) (a) 9. and 10. a., b., and c., 49.85 (2) (a) and (3) (a) 1., and 71.93 (1)
12 (a) 3. of the statutes first applies to recoveries imposed on the effective date of this
13 subsection.

14 (3yz) AUDITS AND ACCESS TO RECORDS OF PROVIDERS OF MEDICAL ASSISTANCE. The
15 treatment of section 49.45 (3) (g) 1. and 2. and (h) 1., 1m., 1n., and 2. of the statutes
16 first applies to audits or investigations performed on or access requested on the
17 effective date of this subsection.

18 (3yzv) LIMIT ON NUMBER OF CERTIFIED MEDICAL ASSISTANCE PROVIDERS. The
19 treatment of section 49.45 (2) (b) 6m. of the statutes first applies to certifications
20 made on the effective date of this subsection.”.

21 **660.** Page 435, line 24: after that line insert:

22 “(2q) LIMITATION ON UPGRADING RENOVATIONS. The creation of section 150.935 (2)
23 (d) 1. and (4) (c) 1. of the statutes first applies to upgrading renovation in which a

1 hospital or ambulatory surgery center is engaged on the effective date of this
2 subsection.”.

3 **661.** Page 436, line 4: after that line insert:

4 “(1r) CONTRACEPTIVE COVERAGE AND MENTAL HEALTH AND DRUG ABUSE TREATMENT
5 COVERAGE. The treatment of sections 40.51 (8) and (8m), 46.10 (8) (d) and (14) (a),
6 66.0137 (4), 111.91 (2) (n) and (qm), 120.13 (2) (g), 185.981 (4t), 185.983 (1) (intro.),
7 301.12 (8) (d) and (14) (a), 609.73, 609.86, 632.89 (title), (1) (b), (em), and (er), (2)
8 (title), (a) 1. and 2., (b), (c) 1. and 2., (d) 1. and 2., (dm) 1. and 2., and (e), (2m), (3),
9 and (3m) and 632.895 (15) of the statutes, the renumbering of section 632.89 (5) of
10 the statutes, the amendment of section 632.89 (5) (title) of the statutes, and the
11 creation of section 632.89 (5) (a) (title) of the statutes first apply to all of the following:

12 (a) Except as provided in paragraphs (b) and (c), disability insurance policies
13 and health benefit plans that are issued or renewed, and self-insured health plans
14 that are established, extended, modified, or renewed, on the effective date of this
15 paragraph.

16 (b) Disability insurance policies and health benefit plans covering employees
17 who are affected by a collective bargaining agreement containing provisions
18 inconsistent with this act that are issued or renewed on the earlier of the following:

19 1. The day on which the collective bargaining agreement expires.

20 2. The day on which the collective bargaining agreement is extended, modified,
21 or renewed.

22 (c) Self-insured health plans covering employees who are affected by a
23 collective bargaining agreement containing provisions inconsistent with this act
24 that are established, extended, modified, or renewed on the earlier of the following:

- 1 1. The day on which the collective bargaining agreement expires.
- 2 2. The day on which the collective bargaining agreement is extended, modified,
- 3 or renewed.”.

4 **662.** Page 436, line 4: after that line insert:

5 “(1v) SMALL EMPLOYER HEALTH INSURANCE RATES. The treatment of section 635.05
6 (1) of the statutes and SECTION 9127 (1v) of this act first apply to rates charged under
7 policies or plans issued or renewed to small employers on September 1, 2003.”.

8 **663.** Page 436, line 23: after that line insert:

9 “(2e) SALE OF SOFT DRINKS. The treatment of section 118.12 (4) of the statutes
10 first applies to contracts entered into, modified, extended, or renewed on the effective
11 date of this subsection.”.

12 **664.** Page 437, line 1: after that line insert:

13 “(2q) SERVICE DISRUPTIONS. The treatment of section 196.196 (6) (b) of the
14 statutes first applies to reports made on the effective date of this subsection.

15 (2r) FAILURE TO INSTALL LOCAL EXCHANGE SERVICE. The treatment of section
16 196.196 (6) (c) of the statutes first applies to orders made on the effective date of this
17 subsection.

18 (2s) PENALTIES. The treatment of section 196.196 (7) of the statutes first applies
19 to inadequate service provided or insufficient investment made on the effective date
20 of this subsection.”.

21 **665.** Page 437, line 6: after that line insert:

22 “(1m) TAXATION OF AGRICULTURAL LAND. The treatment of sections 70.32 (2) (c)
23 1. and 1m. and (2s), 74.48, and 74.485 of the statutes first applies to the property tax
24 assessments as of, and the penalties imposed on, January 1, 2003.”.

1 **666.** Page 437, line 6: after “2001” insert “, except that changes made to
2 section 168 of the Internal Revenue Code by P.L. 107–147 do not apply”.

3 **667.** Page 437, line 7: delete lines 7 to 9.

4 **668.** Page 437, line 9: after that line insert:

5 “(2q) TELECOMMUNICATIONS SERVICES. The treatment of sections 77.52 (3m)
6 (intro.) and (3n), 77.525, and 77.72 (3) (b) of the statutes, the renumbering and
7 amendment of section 77.52 (2) (a) 5. of the statutes, and the creation of section 77.52
8 (2) (a) 5. b. of the statutes first apply to customer bills issued after August 1, 2002.”.

9 **669.** Page 437, line 10: delete lines 10 to 12.

10 **670.** Page 437, line 21: after that line insert:

11 “(1g) TRANSPORTATION FACILITIES ECONOMIC ASSISTANCE PROGRAM. The treatment
12 of section 84.185 (3m) of the statutes first applies to applications submitted to the
13 department of transportation in fiscal year 2002–03.”.

14 **671.** Page 437, line 21: after that line insert:

15 “(1j) TRAFFIC CONTROL SIGNAL EMERGENCY PREEMPTION DEVICES. The treatment
16 of section 84.02 (15) and 349.067 of the statutes first applies to traffic control signals
17 that are installed on the effective date of this subsection.”.

18 **672.** Page 438, line 8: after that line insert:

19 “(2f) FAIR HEARING PROCESS FOR REVIEW OF WISCONSIN WORKS AGENCY DECISIONS.
20 The treatment of sections 49.152 (title), (1), (2) and (3) (title), (a), and (b), 49.16 (2)
21 and (4), 49.195 (3), and 49.26 (1) (h) 1. as. of the statutes first applies to petitions filed
22 under section 49.16 (1) of the statutes, as affected by this act, on the effective date
23 of this subsection.”.

- 1 **673.** Page 439, line 14: delete “139.44 (8) (c)” and substitute “139.44 (6m),
2 139.44 (8) (a) to (c)”.
- 3 **674.** Page 440, line 17: after “940.32 (2) (intro.)” insert “(by SECTION 658b),
4 940.32 (2e) (intro.) (by SECTION 658g)”.
- 5 **675.** Page 440, line 17: after “(2m)” insert “(intro.) (by SECTION 659b)”.
- 6 **676.** Page 440, line 18: after “(3) (intro.)” insert “(by SECTION 660b)”.
- 7 **677.** Page 440, line 18: delete “940.32 (3m) (intro.),”.
- 8 **678.** Page 441, line 24: after “947.013 (1t)” insert “(by SECTION 875b)”.
- 9 **679.** Page 441, line 25: after “947.015,” insert “947.017 (2),”.
- 10 **680.** Page 442, line 8: after “949.03 (1) (b)” insert “(by SECTION 938)”.
- 11 **681.** Page 443, line 9: after “(2) (b) 5.,” insert “973.01 (5),”.
- 12 **682.** Page 443, line 10: delete “section” and substitute “sections 186.235 (7)
13 (c), 186.80 (2), and”.
- 14 **683.** Page 443, line 19: substitute “973.017, and 973.09 (6)” for “and 973.017”.
- 15 **684.** Page 444, line 5: after that line insert:
16 “(5ix) INTENSIVE SANCTIONS PROGRAM. The treatment of sections 301.048 (2m),
17 (3) (a) (intro.) and 1., (b), and (bm), (4) (a) and (ar), and (6) (a) and (c), 302.11 (1i),
18 302.113 (9) (a), 304.02 (4), 304.06 (1y), 304.071 (2), 950.04 (1v) (ve), 973.01 (4),
19 973.032 (title), (2) (a) and (b), (3) (intro.), (a), and (c) 2., (4), (4m), (5), (6), and (7), and
20 973.20 (10) of the statutes, the renumbering and amendment of section 973.032 (3)
21 (b) of the statutes, and the creation of section 973.032 (3) (b) 2. of the statutes first
22 apply to persons committing offenses on December 31, 1999.”.
- 23 **685.** Page 444, line 10: delete lines 10 and 11.

1 **686.** Page 444, line 11: after that line insert:

2 “(7v) DISCIPLINARY PROCEDURES; LAW ENFORCEMENT, FIRE FIGHTERS. The treatment
3 of section 62.13 (5) (i) of the statutes first applies to any city, village, or town whose
4 employees are covered by a collective bargaining agreement that is in effect on the
5 effective date of this subsection upon the expiration, extension, renewal, or
6 modification of the agreement.”.

7 **687.** Page 444, line 15: delete lines 15 and 16.

8 **688.** Page 444, line 21: delete lines 21 and 22.

9 **689.** Page 445, line 5: after that line insert:

10 “(3q) TRANSFERS TO THE UNIVERSITY OF WISCONSIN AND THE DEPARTMENT OF
11 NATURAL RESOURCES.

12 (a) The treatment of sections 15.07 (1) (cm), 15.135 (4), 20.115 (7) (b), (c), (d),
13 (f), (g), and (qd), 20.285 (1) (eq) and (rm), 20.370 (4) (cg) and (mr) and (6) (as), 20.866
14 (1) (u) and (2) (we) and (wf), 30.46 (1) (a) and (2), 36.25 (7), 88.11 (1) (intro.), (e), and
15 (i), (1m), (2), (3) (intro.), (4), (5) (intro.), (6), and (7), 88.13, 88.15, 88.19 (4) (a) (intro.)
16 and (d), 88.21 (5), 88.24 (intro.), 88.32 (3m), 88.35 (7), 88.77 (2), 92.03 (2) and (3),
17 92.04 (2) (e), 92.05 (1) and (3) (f) and (L), 92.10 (1), (4) (c), (5) (b), (6) (a) 1., and (8),
18 92.14 (2) (j), (3) (intro.), (6) (b), (d), (h) 3., (m), and (n), (8), (12), (13), (14), (14m), and
19 (15), 92.15, 92.18 (4) and (5), 93.38 (3m), 93.70, 281.16 (3) (b), (c), and (e), 281.20 (1)
20 (a) and (3) (c), (d) 3., and (f), 281.65 (4) (as), (dr), (e), (g) (intro.), 2., and 4., (i), (L), (o),
21 (p), and (pm), (4c) (am) 2., (4m) (c) and (d), (5) (intro.), (5m), (7) (a) 2., (10), and (11),
22 281.67, and 281.695 (5) of the statutes and SECTION 9104 (1q), (1qq), and (1qr) take
23 effect on July 1, 2002.”.

24 **690.** Page 445, line 5: after that line insert:

1 “(1v) SALE AND DISTRIBUTION OF MERCURY THERMOMETERS. The treatment of
2 section 100.275 of the statutes takes effect on the first day of the 7th month beginning
3 after publication.”.

4 **691.** Page 445, line 5: after that line insert:

5 “(1x) GIFT CERTIFICATES. The treatment of section 100.155 of the statutes takes
6 effect on the first day of the 4th month beginning after publication.”.

7 **692.** Page 445, line 5: after that line insert:

8 “(1qq) DOG LICENSING IN POPULOUS COUNTIES. The treatment of sections 174.001
9 (2j), 174.065 (1), 174.07 (2) (e) and (3) (b) and (bm), 174.10, 174.11 (1) and (4), and
10 174.12 (1) and (2) of the statutes, the renumbering and amendment of sections 174.06
11 (3), 174.08, and 174.11 (2) of the statutes, the amendment of sections 20.115 (2) (j),
12 174.052, and 174.09 of the statutes, and the creation of sections 174.052 (3), 174.06
13 (3) (b), 174.08 (2), 174.09 (3), and 174.11 (2) (c) of the statutes take effect on January
14 1, 2003.

15 “(1qr) DOG LICENSING APPROPRIATION. The repeal and recreation of section 20.115
16 (2) (j) of the statutes takes effect on February 1, 2004.”.

17 **693.** Page 445, line 5: after that line insert:

18 “(2q) TELECOMMUNICATIONS SERVICES. The treatment of section 100.207 (3) (a),
19 (6) (b) 1. (by SECTION 263n), (c) (by SECTION 263p), (em) 1. (by SECTION 263r), and (g),
20 and (7) of the statutes and SECTION 9304 (2q) of this act take effect on the first day
21 of the 10th month beginning after publication.”.

22 **694.** Page 445, line 5: after that line insert:

23 “(1xo) CONSUMER PROTECTION TRANSFER. The treatment of sections 20.115 (1)
24 (hm) and (8) (jm), 20.455 (1) (title), (g), and (j), 93.07 (1), (23), and (24), 93.18 (3) and

1 (7), 93.20 (1), 93.22 (1) and (2), 100.07 (6), 100.171 (7) (b) (by SECTION 263bb) and (8)
2 (intro.), 100.173 (4) (intro.) and (a), 100.174 (5) (intro.) and (6), 100.175 (5) (a) (intro.)
3 and (b) and (7) (a) (intro.) and (b), 100.177 (1) (bm), 100.178 (1) (b), 100.18 (11) (a),
4 (b) 3., (c) 1., 2., 3., and 4., (d), and (e), 100.182 (5) (a) and (b), 100.20 (2) (a) and (b),
5 (3), (4), and (6), 100.201 (6) (d), (8m) (intro.), and (9) (b) and (c), 100.205 (7) and (8),
6 100.207 (6) (b) 1. (by SECTION 263nq) and 2., (c) (by SECTION 263nv), and (em) 1. (by
7 SECTION 263nz) and 2., 100.208 (2) (intro.) and (b), 100.209 (3) and (4) (b), 100.2095
8 (6) (b) and (c), 100.21 (2) (a) and (4) (a) (intro.), 100.22 (4) (b), 100.235 (11) (a), 100.26
9 (6), 100.261 (3) (b), (d), and (e), 100.263, 100.28 (4) (b) and (c), 100.31 (4) and (5),
10 100.37 (1) (am), 100.38 (5) and (6), 100.41 (1) (bn), 100.42 (1) (cm), 100.43 (1) (am),
11 100.44 (5), 100.46 (1) and (2), 100.50 (6) (b) and (c), 100.52 (1) (bn), 101.175 (3) (intro.),
12 134.71 (12), 136.03 (title) and (1) (intro.), 136.04, 165.065 (2), 165.25 (4) (ar) and (11),
13 344.576 (3) (a) 5. and (c), 344.579 (2) (intro.), 704.90 (9) and (11) (title) and (a), 707.49
14 (4), 707.57 (2) and (3), 779.41 (1m), and 779.93 (title), (1), and (2) (intro.) of the
15 statutes, the renumbering and amendment of section 100.207 (1) of the statutes (by
16 SECTION 263nn), the creation of section 100.207 (1) (a) of the statutes, and SECTIONS
17 9104 (14xv) and 9131 (2xz) of this act take effect on July 1, 2002, or on the day after
18 publication, whichever is later.”.

19 **695.** Page 445, line 13: after that line insert:

20 “(1z) DIVISION OF INTERNATIONAL AND EXPORT SERVICES. The treatment of section
21 20.143 (1) (a) and (g) of the statutes takes effect on July 1, 2002, or on the day after
22 publication, whichever is later.”.

23 **696.** Page 445, line 13: after that line insert:

1 “(1e) GRANT TO FORWARD WISCONSIN, INC. The treatment of section 16.501 (2)
2 (by SECTION 17fx) of the statutes and the repeal of section 20.143 (1) (bp) of the
3 statutes take effect on July 1, 2003.”.

4 **697.** Page 445, line 20: after that line insert:

5 “(1z) ELECTIONS ADMINISTRATION. The treatment of sections 5.86, 6.87 (2) (form),
6 6.875 (1) (at), (2) (a), and (6), 6.88 (1), 7.03 (1) (a), (b), (bm), (c), and (d), 7.08 (3) (intro.),
7 (4), and (5), 7.30 (2) (a) and (am), (4) (b) 1., and (6) (b), 7.33 (2), 7.41 (4), 7.51 (1), 7.60
8 (2), 8.15 (4) (a) and (9), 8.20 (10), 8.21, 8.40 (2), 9.10 (2) (e) 3., (em) 4. and 5., (o), and
9 (r) 1. to 3., and (4) (d), 10.06 (3) (am) and (bm), 11.21 (3) and (14), 103.67 (1), 103.68
10 (1), 103.70 (2), 118.15 (3) (d), and 755.01 (4) of the statutes, the renumbering and
11 amendment of section 6.92 of the statutes, and the creation of section 6.92 (2) of the
12 statutes take effect on May 31, 2002.”.

13 **698.** Page 445, line 20: after that line insert:

14 “(1w) PRESIDENTIAL PREFERENCE PRIMARY. The treatment of sections 5.02 (21)
15 and (22), 5.58 (intro.), 5.60 (8), 5.68 (2), (4), (5), and (7), 6.24 (5), 8.12 (1) and (3), 10.06
16 (1) (e) and (2) (b), (d), and (g), and 20.510 (1) (b) of the statutes takes effect on June
17 1, 2002.”.

18 **699.** Page 446, line 4: after that line insert:

19 “(1yv) PROVIDERS OF MEDICAL ASSISTANCE. The treatment of sections 20.435 (4)
20 (iL), 49.45 (2) (a) 9., 10. a., b., and c., 11. a. and b., 12. a. and b., and 14. and (b) 6m.,
21 7., 8., and 9., (3) (g) 1. and 2., (h) 1., 1m., 1n., and 2., and (21) (title), (ag), (ar), (b), and
22 (e), 49.85 (2) (a) and (3) (a) 1., 71.93 (1) (a) 3., and 227.43 (1) (bg) of the statutes and
23 2001 Wisconsin Act 16, sections 9323 (18k), (18m), (18n), (18pk), (18pm), and (18pn)

1 and 9423 (18k) and SECTION 9323 (3yo), (3yv), (3yw), (3yx), (3yy), (3yz), and (3yzv)
2 of this act take effect on January 1, 2003.”.

3 **700.** Page 446, line 5: delete lines 5 and 6.

4 **701.** Page 446, line 6: after that line insert:

5 “(2e) FEES FOR PATIENT HEALTH CARE RECORDS; RULES. The treatment of sections
6 146.83 (1) (b) and (c) and 908.03 (6m) (d) (by SECTION 522s) of the statutes takes effect
7 on January 1, 2003.”.

8 **702.** Page 446, line 6: after that line insert:

9 “(3q) LIMITATIONS ON HOSPITALS AND AMBULATORY SURGERY CENTERS. (a) The
10 treatment of section 50.35 (by SECTION 148h) of the statutes and the amendment of
11 section 150.935 (7) of the statutes take effect on the first day of the 3rd month
12 beginning after publication.

13 (b) The amendment of section 150.935 (2) (d) 1. and (4) (c) 1. of the statutes
14 takes effect on January 1, 2003.

15 (c) The treatment of section 150.935 (3) (b) of the statutes takes effect on the
16 first day of the 9th month beginning after publication.”.

17 **703.** Page 446, line 7: after that line insert:

18 “(1d) TUITION AND FINANCIAL AID. The treatment of sections 20.235 (1) (fe) and
19 20.285 (4) (dd) of the statutes takes effect on July 1, 2003.”.

20 **704.** Page 446, line 13: after that line insert:

21 “(1r) CONTRACEPTIVE COVERAGE AND MENTAL HEALTH AND DRUG ABUSE TREATMENT
22 COVERAGE. The treatment of sections 40.51 (8) and (8m), 46.10 (8) (d) and (14) (a),
23 66.0137 (4), 111.91 (2) (n) and (qm), 120.13 (2) (g), 185.981 (4t), 185.983 (1) (intro.),
24 301.12 (8) (d) and (14) (a), 609.73, 609.86, 632.89 (title), (1) (b), (em), and (er), (2)

1 (title), (a) 1. and 2., (b), (c) 1. and 2., (d) 1. and 2., (dm) 1. and 2., and (e), (2m), (3),
2 and (3m) and 632.895 (15) of the statutes, the renumbering of section 632.89 (5) of
3 the statutes, the amendment of section 632.89 (5) (title) of the statutes, the creation
4 of section 632.89 (5) (a) (title) of the statutes, and SECTION 9327 (1r) of this act take
5 effect on the first day of the 6th month beginning after publication.”.

6 **705.** Page 446, line 13: after that line insert:

7 “(1v) SMALL EMPLOYER HEALTH INSURANCE RATES. The treatment of section 635.05
8 (1) of the statutes takes effect on September 1, 2003.”.

9 **706.** Page 446, line 19: after that line insert:

10 “(2x) AUTOMATED FINGERPRINT IDENTIFICATION SYSTEM WORK STATION GRANT. The
11 repeal of section 20.455 (2) (cr) of the statutes takes effect on July 1, 2003.”.

12 **707.** Page 446, line 21: delete lines 21 and 22 and substitute:

13 “(1) JOINT REVIEW COMMITTEE ON CRIMINAL PENALTIES. The treatment of section
14 13.525 (5) of the statutes”.

15 **708.** Page 446, line 23: delete “13.525 (5m) of the statutes,”.

16 **709.** Page 447, line 1: delete lines 1 to 2.

17 **710.** Page 447, line 24: after that line insert:

18 “(3q) EDUCATIONAL TECHNOLOGY RESPONSIBILITIES. The treatment of sections
19 15.105 (25), 16.70 (3m), 16.71 (4), 16.72 (8), 16.974, 20.275 (intro.), (1) (title), (a), (d),
20 (er), (es), (et), (f), (g), (h), (hb), (i), (im), (jm), (js), (k), (L), (m), (mp), (q), (s), (t), (tm),
21 (tu), and (tw), 20.530 (1) (g) and (ke), 20.866 (1) (u), 20.866 (2) (zc) and (zcm), 20.923
22 (4) (e) 1b., 36.25 (38) (a), 115.28 (25), 120.18 (1) (i), 121.15 (3m) (a) 2., and 196.218
23 (3) (a) 3. b., (4t), and (5a) 5., 7., and 10., subchapter IV of chapter 44, subchapter VIII
24 of chapter 115, and chapter 44 (title) of the statutes takes effect on July 1, 2002.”.

1 **711.** Page 447, line 24: after that line insert:

2 “(2q) MILWAUKEE PARENTAL CHOICE PROGRAM. The treatment of sections 20.255
3 (2) (fu) and 119.23 (4) (b) 2. and (4p) of the statutes takes effect on July 1, 2002.”.

4 **712.** Page 448, line 3: after that line insert:

5 “(4z) CONSOLIDATION AND ANNEXATION AID. The treatment of section 20.835 (1)
6 (fm) of the statutes takes effect on July 1, 2003.”.

7 **713.** Page 448, line 9: substitute “2003” for “2002”.

8 **714.** Page 448, line 16: after that line insert:

9 “(1v) GRANTS FOR BADGER STATE GAMES. The treatment of sections 20.380 (1) (b)
10 and 41.11 (6) of the statutes takes effect on July 1, 2002, or on the day after
11 publication, whichever is later.”.

12 **715.** Page 448, line 19: after that line insert:

13 “(2q) HAIL-DAMAGED VEHICLES. The treatment of sections 340.01 (20m) and (55g)
14 and 342.10 (3) (h) of the statutes takes effect on the first day of the 4th month
15 beginning after publication.”.

16 **716.** Page 448, line 19: after that line insert:

17 “(1f) TRAFFIC CONTROL SIGNAL EMERGENCY PREEMPTION DEVICES. The treatment
18 of sections 84.02 (15) and 349.067 of the statutes and SECTION 9352 (1j) of this act take
19 effect on the first day of the 7th month beginning after publication.”.

20 **717.** Page 449, line 5: after that line insert:

21 “(2f) FAIR HEARING PROCESS FOR REVIEW OF WISCONSIN WORKS AGENCY DECISIONS.
22 The treatment of sections 49.152 (title), (1), (2), and (3) (title), (a), and (b), 49.16 (2)

1 and (4), 49.195 (3), and 49.26 (1) (b) 1. as. of the statutes and SECTION 9358 (2f) of this
2 act take effect on the first day of the 7th month beginning after publication.”.

3 **718.** Page 450, line 13: delete “139.44 (8) (c)” and substitute “139.44 (6m),
4 139.44 (8) (a) to (c)”.

5 **719.** Page 450, line 20: delete that line and substitute “(1p), 302.113 (3) (a)
6 (intro.), 302.113 (7), 302.113 (9) (b), 302.113 (9) (c), 302.114 (3) (a) (intro.), 302.114 (9)
7 (b), 302.114 (9) (bm), 302.43.”.

8 **720.** Page 451, line 20: after “940.32 (2) (intro.)” insert “(by SECTION 658b),
9 940.32 (2e) (intro.) (by SECTION 658g)”.

10 **721.** Page 451, line 20: after “940.32 (2m)” insert “(intro.) (by SECTION 659b)”.

11 **722.** Page 451, line 20: after “940.32 (3) (intro.)” insert “(by SECTION 660b)”.

12 **723.** Page 451, line 20: delete “940.32 (3m) (intro.)”.

13 **724.** Page 453, line 2: after “947.015,” insert “947.017 (2)”.

14 **725.** Page 453, line 2: after “947.013 (1t)” insert “(by SECTION 875b)”.

15 **726.** Page 453, line 11: after “949.03 (1) (b)” insert “(by SECTION 938)”.

16 **727.** Page 454, line 13: after “(2) (b) 5.” insert “973.01 (5)”.

17 **728.** Page 454, line 15: delete “section” and substitute “sections 186.235 (7)
18 (c), 186.80 (2), and”.

19 **729.** Page 454, line 23: before “950.04” insert “950.04 (1v) (gm)”.

20 **730.** Page 455, line 2: delete “973.15 (2m),” and substitute “973.031, 973.09
21 (6), 973.15 (2m), 973.195”.

22 **731.** Page 455, line 4: after that line insert:

1 “(1vw) PAYMENTS CONCERNING CHILD WITNESSES OF DOMESTIC ABUSE. The
2 treatment of sections 949.03 (2), 949.05 (2), and 949.06 (1c) of the statutes takes
3 effect on October 1, 2002.

4 (1vx) PAYMENTS CONCERNING CERTAIN VICTIMS AND WITNESSES OF VIOLENT CRIME.
5 The treatment of sections 949.03 (3), 949.05 (3), and 949.06 (1) (bf), (d), and (g) and
6 (1e) of the statutes takes effect on October 1, 2003.”.

7 **732.** Page 455, line 5: delete lines 5 to 7.

8 **733.** Page 455, line 7: after that line insert:

9 “(2zv) FILING FEES. The repeal of section 59.43 (1) (um) of the statutes and the
10 repeal and recreation of sections 59.43 (2) (ag) (by SECTION 150p) and (e) (by SECTION
11 150t) and 59.72 (5) (by SECTION 150w) of the statutes take effect on September 1,
12 2003.

13 (2zw) STATEWIDE LIEN REGISTRATION SYSTEM. The repeal of section 409.528 (by
14 SECTION 464g) of the statutes takes effect on July 1, 2008.”.

15 **734.** Page 455, line 7: after that line insert:

16 “(3q) ABOLITION OF DEPARTMENT OF ELECTRONIC GOVERNMENT. The treatment of
17 sections 13.101 (14), 13.58 (5) (a) 5. and (b) 4. (intro.), 13.90 (6), 13.93 (2) (h), 14.20
18 (1) (a), 15.07 (2) (L), 15.103 (6), 15.107 (7) (f), 15.21, 15.215 (title) and (1), 16.43, 16.61
19 (2) (af) and (3n), 16.70 (4m) and (15), 16.71 (1m), (2m), and (4), 16.72 (2) (a) and (b)
20 and (4) (a), 16.75 (3t) (a) and (6) (am), 16.752 (12) (i), 16.78, 16.97, 16.974 (intro.) and
21 (1) to (4), 19.36 (4), 20.225 (1) (kb), 20.275 (1) (s), (t), (tm), (tu), and (tw), 20.505 (1)
22 (im), (is), (it), (kg), (kL), and (kr) and (6) (j) 12., 20.530 (intro.) and (1) (title), (g), (ir),
23 (ja), (ke), (kp), (kq), and (m), 20.293 (4) (h) 2., 22.01 (intro.), (1), (2), (2m), (3), (4), (5),
24 and (5m) to (10), 22.03 (title), (2) (intro.), (a), and (ae), (2) (am) to (k), (L) to (m), and

1 (n), (2m) (intro.) and (a) to (h), (3), (4) (a), (b), and (c), (6), (9), and (11), 22.05 (title),
2 (1), (2) (intro.), (a) to (d), (e), (f), (g), (h), and (i), 22.07 (intro.), (1), (2), (3), (4) to (8),
3 and (9), 22.09 (intro.), (1) to (3), and (5), 22.11, 22.13 (title), (1), (2), and (3) to (6), 22.15
4 (intro.) and (1) to (3), 22.17 (title) and (1) to (4), 22.19, 22.41 (title), (2) (intro.) and
5 (a) to (f), and (3), 29.038 (1) (a), 36.25 (38) (b) 6., 85.12 (3), 196.218 (5) (a) 5. and 6.,
6 196.858 (1) and (2), 221.0320 (3) (a), 230.08 (2) (e) 1. and 3r., 283.84 (1) (c), and 758.19
7 (7), subchapter VII (title) of chapter 16, and chapter 22 (title) of the statutes and
8 SECTION 9159 (5t), 9201 (7q), and 9259 (9r) of this act take effect on July 1, 2002.”.

9 **735.** Page 455, line 7: after that line insert:

10 “(3c) ELIMINATION OF EXECUTIVE ASSISTANTS AND CERTAIN DEPUTIES, ASSISTANTS,
11 AND DIVISION ADMINISTRATORS. The treatment of sections 14.46, 14.58 (1) (b), 14.62,
12 15.04 (2) and (3), 15.05 (3) and (5), 15.06 (4m) and (9), 17.025 (4) (c) and (d), 19.01 (4)
13 (a) 10., 19.42 (10) (L) and (13) (k), 20.922 (1), 20.923 (4) (intro.), (6) (as), (7) (intro.),
14 (a), and (b), (8), (9), (14) (a), and (15) (b), 21.18 (1) and (3), 21.19 (5), 21.20, 21.48 (3),
15 25.156 (3) and (4), 25.16 (3), 38.04 (2m), 39.13 (2), 40.02 (17) (e) and (30) (by SECTION
16 100h), 93.02, 101.03, 103.005 (16), 115.29 (1), 119.32 (3), 119.42 (1), 165.055 (1), (2),
17 and (4), 166.08 (4) (a) and (b) (intro.) and 3., 214.72 (1) (b) and (3), 218.0114 (23)
18 (intro.), 230.08 (2) (e), (fs), (g), (L), (m), and (mL) and (4), 230.12 (3) (e) (title) and 2.,
19 230.35 (1m) (a) 2. (by SECTION 365e) and .3 and (2) (by SECTION 365h), 560.02 (2),
20 562.025 (1) (intro.), 563.05 (5) (intro.), 564.02 (2m) (intro.), 565.05 (1) (intro.) and (a),
21 565.17 (5) (a), 601.11, 601.15, 601.18, and 641.12 (1) of the statutes and SECTION 9159
22 (4x) of this act take effect on July 1, 2002.”.

23 (END)